

# City of Calistoga

## Staff Report

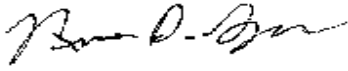
**TO:** Honorable Mayor and City Council  
**FROM:** Erik V. Lundquist, Senior Planner  
**DATE:** October 1, 2013  
**SUBJECT:** Floodway Variance 1332½ Berry Street (APN 011-222-001)

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APPROVAL FOR FORWARDING:




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Richard D. Spitler, City Manager

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2 **ISSUE**

3 Consideration of a variance allowing the replacement of an existing dwelling unit and  
4 the construction of a new carport within the floodway at 1332½ Berry Street.

5 **RECOMMENDATION**

6 Adopt a resolution approving a variance allowing a replacement dwelling unit and the  
7 construction of a new carport within the floodway.

8 **BACKGROUND**

9 The City of Calistoga floodplain management regulations (CMC Title 18) generally  
10 prohibit substantial improvements and new construction within the regulatory floodway.  
11 The subject property is entirely within the regulatory floodway of the Napa River.

12 The subject parcel has an area of approximately 24,397 square feet. Improvements on  
13 the parcel include a 1,852 square-foot duplex (1328 and 1332 Berry Street) and 875  
14 square-foot cottage with attached garage (1332½ Berry Street). A gravel driveway runs  
15 from Berry Street along the southern property line accessing the garage and existing  
16 uncovered gravel parking at the rear of the property behind the cottage. The Napa River  
17 borders the property to the north with several mature trees located along its banks and  
18 along the property lines.

19  
20 Per the Napa County Assessor, it appears the cottage and garage were constructed  
21 around 1940. The cottage has been reasonably maintained but is small and lacks  
22 functionality. The cottage does not have any historical significance, per the criteria set  
23 forth in the California Environmental Quality Act, and needs repair. The property owners

24 wish to demolish the existing cottage and reconstruct a new 931 square-foot cottage (an  
25 increase of 56 square feet).

26  
27 In order to reconstruct the cottage and construct a new carport on the property, a  
28 variance must be approved by the City Council since the structure is located within the  
29 floodway. On July 25, 2013, the property owners submitted an application requesting  
30 the variance to allow the reconstruction of the cottage and the construction of the new  
31 carport within the floodway.

32  
33 It should also be noted that on September 11, 2013, the Planning Commission adopted  
34 Resolution PC 2013-28 approving setback variances to allow the replacement of the  
35 cottage 4 feet from the side property line (a 1-foot reduction) and the construction of the  
36 new carport 2 feet (a 3-foot reduction) from the side and rear property lines.

37  
38 **DISCUSSION**

39 Title 18, *Floodplain Management*, of the Calistoga Municipal Code controls  
40 development within flood-prone areas. As shown on the Flood Insurance Rate Map  
41 dated September 26, 2008, the entire property is located within the “Floodway” or  
42 “Regulatory Floodway.” The floodway includes the channel of the river and adjacent  
43 land areas reserved to discharge the base flood without cumulatively increasing the  
44 water surface elevation more than one foot. In this case, the property is in an area  
45 adjacent to the Napa River, not in the river channel.

46  
47 Since the floodway can be an extremely hazardous area, new construction is prohibited  
48 unless the City Council has approved a variance upon finding that the structure will not  
49 affect the public health, safety and welfare. In approving variances, the City Council  
50 shall consider technical evaluations and must ensure that the purpose and intent of the  
51 Floodplain Management Ordinance has been achieved, along with the:

- 52  
53 1. Danger that materials may be swept onto other lands to the injury of others;  
54 2. Danger of life and property due to flooding or erosion damage;  
55 3. Susceptibility of the proposed facility and its contents to flood damage and  
56 the effect of such damage on the existing individual owner and future owners  
57 of the property;  
58 4. Importance of the services provided by the proposed facility to the  
59 community;  
60 5. Necessity to the facility of a waterfront location, where applicable;

- 61           6.    Availability of alternative locations for the proposed use which are not subject  
62           to flooding or erosion damage;
- 63           7.    Compatibility of the proposed use with existing and anticipated development;
- 64           8.    Relationship of the proposed use to the comprehensive plan and floodplain  
65           management program for that area;
- 66           9.    Safety of access to the property in time of flood for ordinary and emergency  
67           vehicles;
- 68           10.   Expected heights, velocity, duration, rate of rise, and sediment transport of  
69           the flood waters expected at the site; and
- 70           11.   Costs of providing governmental services during and after flood conditions,  
71           including maintenance and repair of public utilities and facilities such as  
72           sewer, gas, electrical, and water system, and streets and bridges.

73   In staff's opinion, the proposed reconstruction of the cottage and the construction of a  
74   new carport are superior to the existing condition. The existing cottage was constructed  
75   in the 1940's and has not been designed to resist hydrostatic and hydrodynamic loads  
76   and effects of buoyance. Furthermore, the lowest floor elevation of the existing cottage  
77   is below the base flood elevation. The reconstructed cottage would be designed to  
78   meet the current floodplain construction standards, creating a safer environment for its  
79   occupants and neighbors. Although the building footprint would be slightly enlarged, the  
80   replacement dwelling would be constructed on raised piers, allowing flood waters to  
81   pass underneath it, which is an improvement over the existing at-grade foundation. The  
82   new construction would also reduce the need for governmental service during and after  
83   an event since the susceptibility to loss or injury is lessened.

84  
85   In addition, the Floodplain Management regulations provide that the City Council shall  
86   not issue variances within the floodway if the proposed structures result in any increase  
87   in flood levels during the based flood discharge. Delta Consulting and Engineering  
88   prepared a Floodway Report dated September 6, 2013 (Attachment No. 4), concluding  
89   that the structures will result in zero increase to floodwaters due to the raised floor  
90   construction of the replacement cottage and the carport post construction. Based upon  
91   this technical evaluation, the City Council may approve the requested variance since a  
92   registered professional engineer has demonstrated that the encroachment would not  
93   result in an increase in the base flood elevation.

96 **ENVIRONMENTAL REVIEW**

97 This proposed action is exempt from the California Environmental Quality Act (CEQA)  
98 under Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines.

99 **FISCAL IMPACT**

100 The applicant posted a \$2,000 deposit with the City at the time of application. Staff time  
101 to process the variance and non-routine encroachment permit will be charged against  
102 this deposit and the remaining funds returned to the applicant. There will be no fiscal  
103 impact to the City.

104  
105 **ATTACHMENTS**

- 106 1. Resolution Approving a Floodway Variance  
107 2. Vicinity Map  
108 3. Site Photographs  
109 4. Floodway Report prepared by Delta Consulting & Engineering dated September  
110 6, 2013 including the project plans (Appendices B-F available upon request)