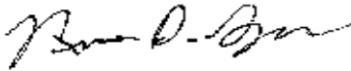


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Senior Planner
DATE: January 6, 2015
SUBJECT: Floodway Variance - 3051 Myrtledale Road (APN 017-221-007)

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

1
2 **ISSUE:** Consideration of a Resolution approving a variance allowing substantial
3 improvements to an existing dwelling unit located within the floodway at 3051 Myrtledale
4 Road

5 **RECOMMENDATION:** Adopt a resolution approving a variance allowing substantial
6 improvements to an existing dwelling unit located within the floodway.

7 **BACKGROUND:** The subject parcel has an area of approximately 30,200 square feet.
8 Improvements on the parcel include a 1,056 square-foot single-family residence with a
9 400 square-foot uncovered front porch and a 96 square-foot screened-in porch. An 896
10 square-foot barn with a 448 square-foot attic is located north of the single-family
11 residence. A gravel driveway runs from Myrtledale Road down the middle of the
12 property accessing the residence, barn and uncovered parking areas. The Napa River
13 borders the property to the east with several mature trees located along its banks. The
14 majority of the property is within the regulatory floodway of the Napa River. The
15 southwest corner is within the floodway fringe.

16 The subject property and several others on Myrtledale Road were annexed into the City
17 on September 11, 1972. Just prior to annexation, on June 20, 1972, a building permit
18 was issued to construct a single-family dwelling on the property, which was completed
19 on May 4, 1973. At that time, an analysis of the hydrologic and hydraulic condition of
20 Napa River and its tributaries had not been completed. It wasn't until 1979 that the U.S.
21 Army Corps of Engineers and Dames & Moore completed studies for FEMA assessing
22 and mapping the special flood hazard areas in and around Calistoga.

23 As a result of these studies, the property was designated and mapped within a special
24 flood hazard area. Since the residence was built prior to mapping and flood
25 management regulations, it was developed within the mapped floodway and does not

26 meet the required construction standards. The barn was built in 1998 and also appears
27 to encroach within the mapped floodway but the slab appears to be above the base
28 flood elevation.

29 **PROJECT DESCRIPTION**

30 The current property owners, David Andersen and Mette Frimont, propose to remodel
31 the existing single-family residence, including the following:

- 32 • Increase pitch of the roof from 2.5:12 to 8:12 keeping the existing roof framing.
- 33 • Extend roof over existing deck and remove 4 to 5 deck piers
- 34 • Remove and replace siding above new ½" plywood sheer walls
- 35 • Remove and replace windows: reframe openings as necessary
- 36 • Construct utility closet (3'-6" x 9'-6") allowing relocation of HVAC and water
37 heater outside of floodway.
- 38 • Remove and replace 8' x 12' screened porch at rear of residence
- 39 • Remove kitchen pantry walls to open up space
- 40 • Upgrade cabinets, doors, flooring, sheetrock, texture and paint
- 41 • Add insulation to attic, floors and walls
- 42 • Add fireplace with chase in living room

43 The cost of the improvements is estimated to exceed \$75,000. The market value of the
44 structure per Section 18.08.212 CMC was determined to be \$122,944, which includes a
45 30 percent depreciation factor. As such, the project is considered a "substantial
46 improvement" because the cost of the improvements will exceed 50 percent of the
47 market value of the structure before the start of construction.

48 **DISCUSSION**

49 The City of Calistoga floodplain management regulations (CMC Title 18) generally
50 prohibit substantial improvements within the regulatory floodway unless a variance has
51 been granted. Additionally, the lowest floor elevation of a residence within a special
52 flood hazard area must be 24 inches above the base flood elevation. In order to
53 substantially improve the existing residence on the property, a variance must be
54 approved by the City Council since the structure is located within the floodway and the
55 lowest floor elevation is only 16.56 inches above the base flood elevation.

56 On October 22, 2014, the property owners submitted an application requesting the
57 variance to allow the substantial improvements to the residence within the floodway and
58 to maintain the lowest floor elevation at 16.56 inches above the base flood elevation.

59 Title 18, *Floodplain Management*, controls development within flood-prone areas. As
60 shown on the Flood Insurance Rate Map dated September 26, 2008, the majority of the
61 property is located within the “Floodway” or “Regulatory Floodway” with the exception of
62 the southwest corner, which is located within the “Floodway Fringe.” The Floodway
63 includes the channel of the river and adjacent land areas reserved to discharge the
64 base flood without cumulatively increasing the water surface elevation more than one
65 foot. In this case, the property is in an area adjacent to the Napa River, not in the river
66 channel.

67 Since the Floodway can be an extremely hazardous area, substantial improvements are
68 prohibited unless the City Council has issued a variance upon finding that they will not
69 affect the public health, safety and welfare. In approving variances, the City Council
70 must ensure that the purpose and intent of the Flood Management Ordinance has been
71 achieved, along with construction of the:

- 72 1. Danger that materials may be swept onto other lands to the injury of others;
- 73 2. Danger of life and property due to flooding or erosion damage;
- 74 3. Susceptibility of the proposed facility and its contents to flood damage and
75 the effect of such damage on the existing individual owner and future owners
76 of the property;
- 77 4. Importance of the services provided by the proposed facility to the
78 community;
- 79 5. Necessity to the facility of a waterfront location, where applicable;
- 80 6. Availability of alternative locations for the proposed use which are not subject
81 to flooding or erosion damage;
- 82 7. Compatibility of the proposed use with existing and anticipated development;
- 83 8. Relationship of the proposed use to the comprehensive plan and floodplain
84 management program for that area;
- 85 9. Safety of access to the property in time of flood for ordinary and emergency
86 vehicles;
- 87 10. Expected heights, velocity, duration, rate of rise, and sediment transport of
88 the flood waters expected at the site; and
- 89 11. Costs of providing governmental services during and after flood conditions,
90 including maintenance and repair of public utilities and facilities such as
91 sewer, gas, electrical, and water system, and streets and bridges.

92 FEMA’s reference material entitled *IS-9 Managing Floodplain Development through the*
93 *National Flood Insurance Program (NFIP)* provides guidance in determining if a small

94 project would affect flood heights. As discussed in the material, encroachments must
95 be certified by an engineer that there will be no-rise in the flood heights except for small
96 projects. For small projects (e.g., building additions and alterations), the no rise
97 determination may be conducted by the City using logic. In this case, it is logical to
98 determine that the substantial improvements will not cause an adverse impact on the
99 flood flows since this structure was established at the time the flood elevations were
100 determined. The structure's effect on the floodway was previously addressed in the
101 1979 studies prepared for FEMA.

102 In staff's opinion, the substantially-improved residence will be superior to the existing
103 condition. The existing cottage was constructed in the 1970's and has not been
104 designed to resist hydrostatic and hydrodynamic loads and effects of buoyance. The
105 property owner's structural engineer has indicated that the substantially-improved
106 residence would be designed to meet the current floodplain construction standards,
107 creating a safer environment for its occupants and neighbors. Although the lowest floor
108 elevation will not be elevated to the local requirement of 24 inches above base flood
109 elevation, a condition of the building permit would require the foundation be altered to
110 allow flood waters to pass underneath it, which is an improvement over the existing
111 situation.

112 It should be noted that the City's lowest floor elevation requirement is more restrictive
113 than the Federal and State requirements. The Federal requirement indicates that the
114 lowest elevation should be at or above the base flood elevation and the State
115 requirement provides that the lowest floor elevation be 1 foot above the base flood
116 elevation. The residence would currently comply with both the Federal and State
117 residential lowest floor elevation requirements.

118 The property owner and staff monitored recent storm
119 activity that occurred from the evening of December
120 10, 2014 to the morning of December 12, 2014. During
121 this time period, approximately 6 inches of precipitation
122 was measured at the property. At approximately 11
123 am on Thursday, December 11, 2014, the Napa River
124 reached its highest point but remained within the river
125 channel and did not crest its banks.

126 Staff believes the City Council can make the required
127 findings to approve the requested variance as stated
128 above and as contained in the attached resolution.

129



Napa River Downstream of
Myrtledale Road Bridge
12-11-14 at 11 am

130 **ENVIRONMENTAL REVIEW:** This proposed action is exempt from the California
131 Environmental Quality Act (CEQA) under Section 15302 (Replacement or
132 Reconstruction) of the CEQA Guidelines.

133 **CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:** The substantial
134 improvements will enable the preservation of an existing housing unit in a safer
135 condition than its pre-existing condition, which achieves one of the City Council goals by
136 addressing the community's housing needs.

137 **FISCAL IMPACT:** The project would reduce the need for governmental service during
138 and after an event since the susceptibility to loss or injury is lessened by the
139 improvements.

ATTACHMENTS:

1. Resolution Approving a Floodway Variance
2. Vicinity Map
3. Letter prepared by Structural Engineer received on December 1, 2014
4. Project Plans received October 22, 2014

RESOLUTION 2015-XXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING A VARIANCE TO CMC TITLE 18, FLOODPLAIN MANAGEMENT, ALLOWING SUBSTANTIAL IMPROVEMENTS TO AN EXISTING SINGLE-FAMILY RESIDENCE WITHIN THE FLOODWAY AT 3051 MYRTLEDALE ROAD (APN 017-221-007)**

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2 **WHEREAS**, the property located at 3051 Myrtledale Road is developed with a
3 1,056-square foot single-family residence and detached barn; and

4 **WHEREAS**, the existing residence was constructed in 1973 and has not been
5 designed to resist hydrostatic and hydrodynamic loads and effects of buoyance.
6 Furthermore, the structure is located within the regulatory floodway and the lowest floor
7 elevation is 16.56 inches above the base flood elevation; and

8 **WHEREAS**, the requested variance to allow substantial improvements to the
9 existing residence in the floodway is within the jurisdiction of the City of Calistoga, and the
10 City has authority under Ordinance Number 564 to grant the requested variance; and

11 **WHEREAS**, it is logical to determine that the substantial improvements will not
12 cause an adverse impact on the flood flows since this structure was established at the time
13 the flood elevations were determined. The structure's effect on the floodway was previously
14 addressed in the 1979 studies prepared for FEMA. As such, the existing residence will
15 result in zero increase to floodwater; and

16
17 **WHEREAS**, the requested variance is in harmony with the general purpose and
18 intent of the Floodplain Management for the City of Calistoga; and

19
20 **WHEREAS**, the variance represents a grant of relief to the property from the
21 requirements of this ordinance because specific enforcement would otherwise result in
22 unnecessary hardship making the property undevelopable. This variance, therefore
23 permits, as limited herein, development in a manner otherwise prohibited by this ordinance;
24 and

25 **WHEREAS**, the City Council finds that the improved residence would be designed to
26 meet the current floodplain construction standards, creating a safer environment for its
27 occupants and neighbors, and would also reduce the need for governmental service during
28 and after an event since the susceptibility to loss or injury is lessened by the
29 improvements; and

30 **WHEREAS**, as required per CMC Section 18.24.020(C), the City Council hereby
31 notifies the property owner that the development may result in increased insurance
32 premiums due to the risk of life and property; and

33 **WHEREAS**, the proposed action is exempt from the California Environmental
34 Quality Act (CEQA) under Section 15302 (Replacement or Reconstruction) of the CEQA
35 Guidelines.

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NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Calistoga approves a variance to the regulations of Title 18, Floodplain Management, allowing substantial improvements to the existing single-family residence within the floodway at 3051 Myrtledale Road (APN 017-221-007), as shown on the plan set received by the Planning and Building Department on October 22, 2014.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Floodplain Administrator is hereby authorized to approve the development permits associated with this variance.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 6th day of January 2015, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk