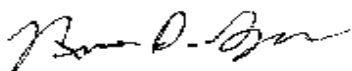


## City of Calistoga Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Erik V. Lundquist, Senior Planner  
**DATE:** July 7, 2015  
**SUBJECT:** Zoning Map Amendment ZOA 2015-5  
 33 Brannan Street

APPROVAL FOR FORWARDING




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Richard D. Spitler, City Manager

1 **ISSUE:** Consideration of a request to rezone the property located at 33 Brannan Street  
 2 (APN 011-050-023) from the R-2 Two-Family Residential to the R-3 Multi-Family  
 3 Residential/Office Zoning District.

4 **RECOMMENDATIONS:** Following a public hearing, introduce the ordinance and waive  
 5 its first reading.

6 **BACKGROUND AND PROPERTY SETTING:** The property was rezoned in 2013 from  
 7 R-1 One-Family Residential District to R-2 Two-Family Residential District in order to  
 8 achieve consistency with the General Plan. This rezoning was part of a city wide  
 9 rezoning effort, which rezoned thirteen areas of town. At that time, the development  
 10 potential of the individual lots was unknown so R-2 rezoning was conservatively applied  
 11 to this property.

12 The applicant seeks to rezone the property from the R-2 to the R-3 Multi-Family  
 13 Residential/Office Zoning District. The request is being made in order to increase the  
 14 property's development potential and maximize housing opportunities. The current R-2  
 15 zoning would limit development to 2 units, whereas the rezoning of the property to R-3  
 16 would allow a maximum of 8 units, or a greater number of units if the property owner  
 17 receives approval of a density bonus under the City's affordable housing incentives  
 18 program.

19 This 0.40-acre vacant property is located in a mixed-use neighborhood. Two mobile  
 20 home parks and two affordable housing projects exist on the east side of Brannan  
 21 Street. On the west side of Brannan Street there are single-family homes and an 8-unit  
 22 multi-family complex. South of the property is a 6-unit townhouse development.

Public utilities, including water and sewer service, are available in Brannan Street.

23 **DISCUSSION:** The General Plan Land Use Designation Map (Figure LU-4) is  
24 implemented through the Zoning Map, which provides more specific classifications (i.e.,  
25 zoning districts) than the General Plan. Under state law, the Zoning Map and other  
26 regulations must be consistent with the General Plan. In this particular case, as  
27 described above, the properties are currently zoned R-2 Two-Family Residential, which  
28 is not entirely consistent with the existing High Density Residential/Office land use  
29 designation, which allows only multi-family housing at densities of 10 to 20 dwelling  
30 units per acre and does not allow single-family or duplex dwellings. The R-2 District  
31 does not allow multi-family housing.

32 Rezoning the property to the R-3 District will provide the property owners the ability to  
33 develop multi-family units consistent with the General Plan direction. As provided in  
34 CMC Chapter 17.19, multi-family units would be allowed without a use permit but per  
35 CMC 17.41.020(B)(2), design review would be required subject to the review and  
36 approval of the Planning Commission. Design review would ensure a high quality  
37 design and preserve the unique character of the community.

38 As a result of this request, the City Council will need to consider the appropriateness of  
39 entering into a development agreement pursuant to CMC Section 17.39.020, which  
40 states, in part:

41 *“... all applications requesting approval of an amendment to the General*  
42 *Plan or of a rezoning shall be brought to the City Council for consideration*  
43 *of whether a development agreement would be appropriate for the*  
44 *particular development.”*

45 However, the property owner has not requested to enter into a development agreement  
46 and staff finds that the scope of any future project does not warrant one.

47 **ENVIRONMENTAL REVIEW:** The proposed rezoning is exempt from the California  
48 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines,  
49 the “general rule” exemption, because it can be seen with certainty that there is no  
50 possibility that the action in question may have a significant effect on the environment.

51 **PLANNING COMMISSION REVIEW:** The Commission considered the proposed rezone  
52 at a public hearing on May 27, 2015 and recommended their approval to the Council.

53 **CONSISTENCY WITH COUNCIL GOALS AND OBJECTIVES:** Goal 7 of the City  
54 Council Goals, Objectives and Priority Projects for FY 2015/2016 states that the City  
55 shall “address the community’s housing needs.” Rezoning the property to allow a  
56 greater number of units to potentially be developed is consistent with the City Council’s  
57 goal of expanding housing opportunities.

58 **FISCAL IMPACT:** Staff time and direct expenses associated with the processing of this  
59 application has been offset by the applicant through application processing fees. Long-  
60 term economic benefits to the City of Calistoga associated with the rezoning is  
61 anticipated in terms of increased property tax and development impact fees.

**ATTACHMENTS:**

1. Draft ordinance
2. Location Map
3. Applicant's Written Narrative
4. Existing Zoning Map
5. Proposed Zoning Map
6. R-2 Two-Family Residential District (CMC Chapter 17.18)
7. R-3 Multi-Family Residential/Office District (CMC Chapter 17.19)
8. Excerpt from May 27, 2015 Planning Commission Minutes
9. Planning Commission Resolution PC 2015-14

ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA ZONING MAP TO REZONE THE PROPERTY LOCATED AT 33 BRANNAN STREET FROM THE R-2 TWO-FAMILY RESIDENTIAL TO THE R-3 MULTI-FAMILY RESIDENTIAL/OFFICE ZONING DISTRICT**

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1           **WHEREAS**, the applicant has submitted a request to rezone the property located  
2 at 33 Brannan Street (APN 011-050-023) from the R-2 Two-Family Residential to the R-  
3 3 Multi-Family Residential/Office Zoning District; and

4           **WHEREAS**, the proposed amendment to the Zoning Map for the City of  
5 Calistoga is consistent with General Plan goals and policies promoting housing  
6 development and would have no detrimental affect on the public health, safety and  
7 general welfare of the community; and

8           **WHEREAS**, the proposed zoning district provides development regulations that  
9 would ensure the subject property is developed in an appropriate manner; and

10           **WHEREAS**, the Planning Commission reviewed the proposed amendment at a  
11 public hearing on May 27, 2015, and after considering the public record, including the  
12 staff report and findings, adopted PC Resolution 2015-14 forwarding a recommendation  
13 that the City Council approve the rezoning of the property; and

14           **WHEREAS**, the proposed amendment is not subject to the California  
15 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines  
16 because it can be seen with certainty that there is no possibility that they may have a  
17 significant effect on the environment.

18           **WHEREAS**, the City Council of the City of Calistoga reviewed and considered  
19 this ordinance at a public hearing on July 7, 2015, noticed in accordance with state and  
20 local law, and which included the written and oral staff report, the Planning  
21 Commission's recommendation and comments received from the general public and  
22 interested agencies and parties.

23           **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**  
24 **ORDAIN AS FOLLOWS:**

25           **SECTION ONE**

26           Findings. The above recitals are incorporated herein as if set forth herein in full  
27 and each is relied upon independently by the City Council for its adoption of this  
28 ordinance.

29           **SECTION TWO**

30           The Zoning Map provided in Section 17.03.010 of Title 17 of the Calistoga  
31 Municipal Code is hereby amended to rezone the property located at 33 Brannan Street  
32 from the R-2 Two-Family Residential to the R-3 Multi-Family Residential/Office Zoning  
33 District.

35 **SECTION THREE**

36 The City Clerk or his or her designee is hereby directed to amend the Zoning  
37 Map of the City of Calistoga, California, which is on file with the City, to reflect the  
38 change in zoning for the subject property described in the above title.

39 **SECTION FOUR**

40 Environmental Review. This action has been reviewed in accordance with the  
41 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the  
42 “general rule” exemption. The City has determined that because it can be seen with  
43 certainty that there is no possibility that the proposed amendment will have an impact  
44 on the environment, this ordinance is therefore exempt from CEQA under the general  
45 rule.

46 **SECTION FIVE**

47 Severability. If any section, subsection, subdivision, paragraph, sentence,  
48 clause, or phrase in this ordinance or any part thereof is for any reason held to be  
49 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such  
50 decision shall not affect the validity or effectiveness of the remaining portions of this  
51 ordinance or any part thereof. The City Council hereby declares that it would have  
52 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase  
53 thereof irrespective of the fact that any one or more subsections, subdivisions,  
54 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or  
55 ineffective.

56 **SECTION SIX**

57 Effective Date. This Ordinance shall take effect thirty (30) days after its passage  
58 and before the expiration of fifteen (15) days after its passage, shall be published in  
59 accordance with law in a newspaper of general circulation published and circulated in  
60 the City of Calistoga.

61 THIS ORDINANCE was introduced with the first reading waived at the City of  
62 Calistoga City of Council meeting of the **7th day of July, 2015**, and was passed and  
63 adopted at a regular meeting of the Calistoga City Council **on the \_\_\_ day of \_\_\_, 2015**,  
64 by the following vote:

65 **AYES:**  
66 **NOES:**  
67 **ABSENT:**  
68 **ABSTAIN:**

69 \_\_\_\_\_  
**Chris Canning, Mayor**

70 **ATTEST:**

71 \_\_\_\_\_  
72 **Kathy Flamson, City Clerk**