

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg, Planning and Building Director
DATE: September 19, 2017
SUBJECT: Zoning Code Amendment Requiring Public Notice for Administrative Residential Design Review (ZOA 2017-2)

APPROVED FOR FORWARDING



Dylan Feik, City Manager

1 **ISSUE:** Consideration of 1) a proposed amendment to the Municipal Code to require
2 public notification prior to action on an administrative residential design review
3 application, and 2) an increase in the Administrative Residential Design Review
4 application processing fee

5 **RECOMMENDATION:** Following a public hearing:
6 1. Introduce the attached ordinance and waive its first reading
7 2. Adopt a resolution increasing the Administrative Residential Design Review
8 application processing fee to \$850.

9 **BACKGROUND:**
10 On June 20, the City Council directed staff to initiate a Zoning Code amendment that
11 would require public notice of pending Administrative Residential Design Review
12 applications to nearby property owners.

13 On August 15, after considering the draft amendment presented by staff, the Council
14 continued the public hearing and requested revisions to allow a longer notification period
15 than the standard 10 days, as well as require notification to be posted on the project site.

16 **DISCUSSION:** The attached draft ordinance has been revised to require a minimum 15-
17 day mailed public notice as well as on-site posting.

18 Staff does not recommend a longer notification period because it would result in a longer
19 review period that would delay applicants' ability to move forward to the building permit
20 stage. After the 15-day notice period, there is also a 10-day appeal period following staff
21 action, allowing members of the community to express opinions/input on a project AND
22 have additional time to appeal staff decisions to the Planning Commission.

23 Staff considered providing public notice upon application submittal, but after considering
24 options, determined this would not be sufficient because many original submittals are
25 incomplete, altered by the applicant during staff review, and/or change over time.
26 However, once staff has determined an application is complete, staff will mail notices to
27 neighboring property owners within 300 feet for a minimum 15-day notice period *before*
28 *a decision is made* to a design review application. This will give time for neighbors/public
29 to provide input to staff, which can then be considered and possibly included before action
30 is taken. Following a decision, again, there is a 10-day appeal period.

31 **ENVIRONMENTAL REVIEW:** The proposed Zoning Code amendment has been
32 reviewed in accordance with the California Environmental Quality Act and the City has
33 determined that CEQA Guidelines Section 15061(b)(3), the "general rule" exemption,
34 applies because it can be seen with certainty that there is no possibility that the
35 amendment may have a significant effect on the environment. Therefore, the proposed
36 action is exempt from CEQA.

37 **FISCAL IMPACTS:** The estimated cost associated with adding the public notice
38 requirement is \$125, including preparation, mailing, site posting and web posting of the
39 notice. Therefore, it is necessary to increase the processing fee for Administrative
40 Residential Design Review applications to \$850 to recover this cost.

ATTACHMENTS:

1. Draft ordinance
2. Draft resolution

ORDINANCE NO. 731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING TITLE 17, ZONING, TO REQUIRE PUBLIC NOTICE FOR ADMINISTRATIVE RESIDENTIAL DESIGN REVIEW APPLICATIONS (ZOA 2017-2)

1 WHEREAS, in 2014, the Zoning Code was amended to delegate review authority
2 to the Planning Director for the construction of certain single-family dwelling and
3 additions and alterations to those dwellings in the RR, R-1 and R-2 Zoning Districts; and

4 WHEREAS, the Zoning Code does not currently provide the opportunity for
5 property owners in the vicinity of proposed administrative residential design applications
6 to be made aware of pending development or to provide input prior to Planning Director
7 action, and the City of Calistoga wishes to provide for such notice; and

8 WHEREAS, the Planning Commission considered a substantially similar
9 amendment at a public hearing on July 26, 2017, and adopted PC Resolution 2017-12
10 recommending its approval to the Council.

11 NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY
12 ORDAIN AS FOLLOWS:

13 SECTION ONE

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

17 SECTION TWO

18 Calistoga Municipal Code Sections 17.41.030 (A) and (C) are hereby amended
19 as follows, where deletions are identified through ~~strikeout~~ and additions are identified
20 with underlining.

21 17.41.030 Application submittal and review

22 A. An application for design review approval shall be filed in accordance
23 with CMC 17.02.120. The application shall be accompanied by the
24 information identified in the Planning and Building Department handout
25 as being required for design review applications. It is the responsibility
26 of the applicant to provide evidence in support of the findings required
27 by CMC 17.41.050.

28 C. ~~It is the responsibility of the applicant to provide evidence in support of~~
29 ~~the findings required by CMC 17.41.050.~~

30 At least 15 days prior to the Planning and Building Director taking
31 action on a design review application for an item that is listed in
32 Section 17.41.020(A)(1), a notice shall be sent via U.S. Mail to
33 property owners within 300 feet of the subject property, as shown on
34 the latest Assessor's tax roll. The notice shall generally describe the
35 proposed project, identify the date that the Director is anticipated to
36 take action on the application, advise of the public's ability to submit

37 comments on the proposal prior to this date, and note the deadline to
38 appeal the Director's decision. The same notice shall also be posted
39 on the project site at least 15 days prior to action being taken.

40 **SECTION THREE**

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

46 **SECTION FOUR**

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 FIVE**

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 **19th day of September, 2017**, and was
63 passed and adopted at a regular meeting of the Calistoga City Council on the **___ day**
64 **of ____, 2017**, by the following vote:

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

69
70 _____
Chris Canning, Mayor

71 **ATTEST:**

72
73 _____
74 **Kathy Flamson, City Clerk**

RESOLUTION NO. 2017-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA REVISING THE PROCESSING FEE FOR ADMINISTRATIVE DESIGN REVIEW APPLICATIONS

1 **WHEREAS**, on July 19, 2016, the Calistoga City Council adopted Resolution
2 2016-060, adopting processing fees for land use-related applications; and

3 **WHEREAS**, the City Council has introduced Ordinance 731 that requires a
4 mailed notification to property owners within 300 feet of an Administrative Residential
5 Design Review application prior to action on the application, and posting of the notice
6 on the project site and City web site; and

7 **WHEREAS**, it is necessary to increase the processing fee amount for an
8 Administrative Residential Design Review application by \$125 in order to offset the
9 estimated reasonable operational and material costs incurred by the City in providing
10 the required public notice; and

11 **WHEREAS**, a duly and properly-noticed public hearing on the fee increase was
12 conducted by the City Council on September 19, 2017.

13 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of
14 Calistoga as follows:

15 **SECTION ONE**

16 Findings.

17 A. The above recitals are incorporated herein as if set forth herein in full and each is
18 relied upon independently by the City Council for its adoption of this resolution.

19 B. Based on the facts presented to the City Council as a part of the public hearing,
20 including oral and written reports presented by City staff, the fee increase amount
21 represents the estimated reasonable costs incurred by the City in providing the public
22 notice for an Administrative Residential Design Review application.

23 **SECTION TWO**

24 Application processing fee. The City Council hereby increases the Administrative
25 Residential Design Review processing fee to \$850 to recover the costs associated with
26 providing the required public notice.

27 **SECTION THREE**

28 Effective Date of Fees and Deposits. The Administrative Residential Design
29 Review processing fee shall become effective upon the effective date of Ordinance 731.

30 **PASSED AND ADOPTED** by the City Council at a duly noticed regular meeting
31 held the **19th day of September, 2017**, by the following vote:

AYES:
NOES:
ABSTAIN:

ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk