

City of Calistoga

Staff Report

5

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg, Planning & Building Director
DATE: August 21, 2018
SUBJECT: Appeal of Planning Commission Approval of Design Review Application DR 2018-4

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Consideration of an appeal received from Jeffrey Stambor of the Planning
2 Commission's approval of Design Review application 2018-4

3 **RECOMMENDATION:** Adopt a resolution denying the appeal and affirming the
4 Planning Commission's approval of DR 2018-4

5 **BACKGROUND:** Following a public hearing on July 11, 2018, the Planning
6 Commission approved a design review application for a four-unit multi-family building
7 and site improvements at 1514 Washington Street on a 4-1 vote. The attached Planning
8 Commission staff report provides details of the project and an analysis of its consistency
9 with the Calistoga General Plan, Zoning Code and Multi-Family Residential Guidelines.
10 An excerpt from the Commission meeting minutes is also attached.

11 Jeffrey Stambor, an adjoining property owner, filed an appeal of the Commission's
12 decision and requests that the City Council overturn the action. Mr. Stambor further
13 requests that the Council direct the applicant to develop plans that better reflect the
14 character of the neighborhood.

15 **DISCUSSION:** Responses to the issues raised in Mr. Stambor's appeal letter follow.

- 16 • The Calistoga Municipal Code's public notice requirements were followed for the
17 project, including a mailed notice to property owners within 300 feet of the project
18 site 10 days prior to the public hearing, and the notice was published in the
19 Calistoga Tribune. The Planning Commission's agenda packet was published on-
20 line 5 days prior to the meeting. The applicants were urged to contact neighbors of
21 the project and discussed it with Mr. Stambor, as acknowledged in his appeal letter.
- 22 • The project's density complies with the General Plan's High Density Residential land
23 use designation (10-20 units per acre), and is consistent with Housing Element

24 Action H-1.2, which calls for making effective use of residential development sites.
25 Reducing its density to the fewest number of units allowed by the General Plan
26 would only permit the construction of a duplex on the property, which is not a
27 permitted use in the R-3 Zoning District (multi-family buildings must include three or
28 more units).

29 • The project renderings presented at the Planning Commission were intended to
30 clearly depict the proposed designs of all sides of the project. Including Mr.
31 Stambor's home in the renderings would have obscured one of the project's
32 elevations.

33 The issue of the project driveway's potential impacts on the three oak trees located
34 along the common property line was raised Mr. Stambor with staff subsequent to the
35 Commission's public hearing. In response, the applicants have agreed to implement
36 reasonable measures recommended by the project arborist to ensure the trees'
37 long-term health (Attachment 8).

38 • The project design meets the minimum Zoning Code standard for on-site parking,
39 i.e., two spaces per dwelling unit. The project is projected to generate a net 21
40 vehicle trips per day, which can be adequately accommodated by the existing street
41 system. It is likely that most of the project's trips would be on Washington Street,
42 rather than 4th Street. The project site is within close proximity to the downtown and
43 schools, which should reduce the number of vehicle trips associated with the project.

44 • The project site has been zoned for multi-family development since at least 1963 –
45 as have all of the properties on the blocks bounded by Fair Way, Second Street,
46 Washington Street and Fourth Street – to encourage additional residential
47 development in proximity to the downtown.

48 **PUBLIC COMMENTS:** Correspondence has been received in support of the appeal.
49 Responses to certain issues raised in these letters that are not addressed above follow.

50 • Construction of single-family dwellings in R-3 District – The Zoning Code was
51 amended in 2014 to realign the permitted and conditionally-permitted uses allowed
52 in residential zoning districts with the residential land use designations adopted by
53 the 2003 General Plan. As part of these amendments, single-family dwellings were
54 eliminated as a permitted use in the R-3 Zoning District because the General High
55 Density Residential Land Use Designation that applies to this District only allows
56 multi-family housing. However, an owner of property that is currently developed with
57 a single-family dwelling (which is considered a legal non-conforming use) is allowed
58 to replace the dwelling¹.

59 • Yard determinations – The project site is located on an irregularly-shaped parcel.
60 Pursuant to CMC 17.38.010, "In circumstances where unusual lot configuration o[r]
61 block shapes occur, the Director of Planning and Building shall make the
62 determination of yards. Location or orientation of existing structures shall not define

¹ CMC 17.44.030(B)

63 yards.” In this case, the Director has determined that the property’s front yard is
64 adjacent to 4th Street. (The property’s current Washington Street address is not a
65 factor in determining its yard assignments; the future units will have 4th Street
66 addresses.) During the Planning Commission public hearing, it became evident that
67 the project architect had made an error in labeling the project’s front yard on the site
68 plan as an “interior side yard,” which it clearly is not. The plans that have been
69 provided to the Council reflect a correction of this error. There are no changes to the
70 Planning Commission staff report’s analysis as a result of this correction.

- 71 • Minimum lot area – Although the minimum lot area for corner lots in the R-3 Zoning
72 District is 10,000 square feet, this standard only applies if a property is being
73 subdivided. Therefore, the property may be improved with multi-family residential
74 uses, subject to the density allowed by the General Plan and the R-3 development
75 standards.
- 76 • Bike parking – There is an opportunity for secure parking of several bicycles within
77 the enclosed front yard of every apartment, which is a greater number than the one
78 space otherwise required.
- 79 • Parking lot location – Pursuant to CMC 17.36.090(E)(6), parking lots may be located
80 in rear yards.
- 81 • On-site management – The Planning Commission did not find that an on-site
82 resident manager was necessary, given the small number of proposed units.

ATTACHMENTS

1. Draft resolution denying appeal
2. Appeal of Planning Commission decision from Jeffrey Stambor
3. Planning Commission Staff Report (with attachments)
4. Applicant Presentation at Planning Commission Meeting
5. Planning Commission Resolution No. 2018-8
6. Planning Commission Minutes Excerpt
7. Correspondence received
8. Tree mitigation agreement

RESOLUTION NO. 2018-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA DENYING APPEAL AP 2018-3 AND SUSTAINING PLANNING COMMISSION APPROVAL OF DESIGN REVIEW DR 2018-4 FOR THE CONSTRUCTION OF A MULTI-FAMILY PROJECT AT 1514 WASHINGTON STREET

1 **WHEREAS**, the property owners of 1514 Washington Street filed design review
2 application DR 2018-4, requesting approval of a four-unit multi-family project and
3 related improvements; and

4 **WHEREAS**, on July 11, 2018, the Planning Commission considered the design
5 review application at a public hearing, and prior to taking action on the application,
6 received written and oral reports from staff, and public testimony; and

7 **WHEREAS**, on July 11, 2018, the Planning Commission adopted PC Resolution
8 No. 2018-8 approving the project, subject to conditions, after making all of the findings
9 required by CMC 17.41.050; and

10 **WHEREAS**, on July 20 2018, Jeffrey Stambor (appellant) appealed the Planning
11 Commission's action to the City Council; and

12 **WHEREAS**, notice of the City Council's appeal hearing was given in the manner
13 required by CMC Sections 1.20.020(D); and

14 **WHEREAS**, the City Council reviewed the appeal at a public hearing on August
15 21, 2018, during which the Council considered the public record of the Planning
16 Commission meeting, as well as the grounds for the appeal, written and oral reports
17 from staff, public correspondence and testimony, and staff's responses to same.

18 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga City Council,
19 that the City Council, hereby determines that the Planning Commission acted properly
20 in accordance with the Calistoga Municipal Code in approving Design Review DR 2018-
21 4, confirms its approval, and denies Appeal AP 2018-3.

ADOPTED AND APPROVED by the City Council of the City of Calistoga at a
regular meeting held the **21st day of August 2018**, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk