

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE
PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: FEBRUARY 11, 2009

SUBJECT: GENERAL PLAN AMENDMENT (GPA 2009-02) & ZONING
ORDINANCE MAP AMENDMENT (ZO 2009-01) FOR
LANDS OWNED BY CHRISTOPHER AND ADELE
LAYTON

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2 **REQUEST**
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4 Consideration of an amendment to the General Plan Overlay Districts Map,
5 Figure LU-6 designating the properties located at 1001 and 1007 Myrtle Street
6 (APN 011-256-005 & 004) within the Visitor Accommodation Overlay designation.
7 The Planning Commission will also consider a Rezone (Zoning Ordinance Map
8 Amendment) of the properties located at 1001, 1007, 1013 Myrtle Street (APN
9 011-256-005, 004 & 003) including them within the "VA", Visitor Accommodations
10 combination district. These requests have been filed by the property owners
11 Christopher and Adele Layton. The proposed amendments to the General Plan
12 and Zoning Ordinance are exempt from the California Environmental Quality Act
13 (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.
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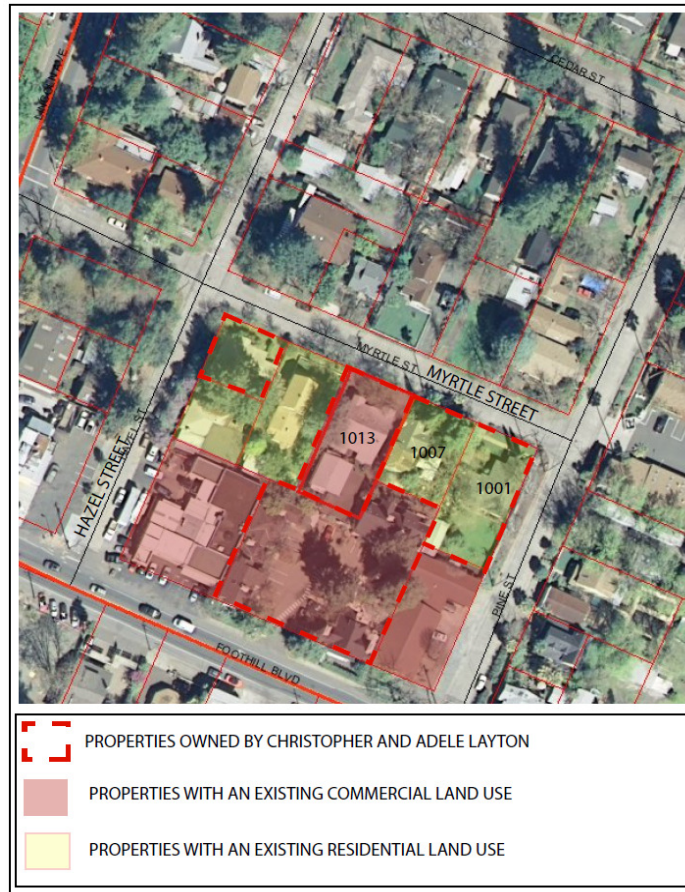
15 **BACKGROUND AND PROPERTY SETTING:**
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17 Christopher and Adele Layton own several properties in the block bound by Pine,
18 Hazel, Myrtle Streets and Foothill Boulevard. The properties located at 1001,
19 1007 and 1019 are currently each established with a single family residence. The
20 property located at 1013 Myrtle Street is established with a 3-unit bed and
21 breakfast facility (Calistoga Arbor's) and manager's unit. Lastly, their property
22 located at 1010 Foothill Boulevard is established with Christopher's Inn a 22-unit
23 hotel.
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25 As indicated in the Applicant's written narrative dated November 25, 2009, the
26 Layton's have a desire to enhance their properties and make them a more vital
27 community asset. The overall plan is designed so that the properties function as
28 one, while generally retaining the buildings and lots in the current configuration.
29 Hotel uses will be propagated and the residential units will be retained.

30 Landscaping will be beautified making use of the existing open space between
31 the structures, including the installation of a small pool and garden exclusively for
32 the use of the hotel guests. The Layton's have presented three site plan
33 alternatives that would accomplish their goals.
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35 In order to achieve their plans, the properties located at 1001, 1007 and 1013
36 Myrtle Street must be first included within the Visitor Accommodation Overlay
37 designation and Visitor Accommodations combination district. The three
38 properties at the present time have a High Density Residential/Office land use
39 designation, as illustrated on Figure LU-4 of the General Plan, Land Use
40 Element. The property located at 1013 Myrtle Street is already within the Visitor
41 Accommodation Overlay designation, as illustrated on Figure LU-6 of the
42 General Plan. As such, the Layton's have requested an amendment to the
43 General Plan Overlay Districts Map, Figure LU-6 designating the properties
44 located at 1001 and 1007 Myrtle Street (APN 011-256-005 & 004) within the
45 Visitor Accommodation Overlay designation. In addition, the Layton's have
46 requested a Rezone (Zoning Ordinance Map Amendment) of the properties
47 located at 1001, 1007, 1013 Myrtle Street (APN 011-256-005, 004 & 003)
48 including them within the "VA", Visitor Accommodations combination district.
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PROJECT ANALYSIS

A. General Plan Amendment

Calistoga is a walkable, small town, made up of a vibrant eclectic main street set within pedestrian-oriented neighborhoods. Visitors are attracted to Calistoga because of its unique downtown and amenities. The goal of the Land Use Element is to protect this quality of Calistoga, while continuing to promote services for the residences and the visitors alike. As such the Land Use Designations and Overlay Designations Map were established to provide a range of densities and intensities of use in order to provide flexibility for infill development while limiting development on the outskirts.

All three properties are within a High Density Residential land use designation. The High Density Residential designation generally occurs adjacent to the downtown. As specified on Page LU-21 of the General Plan, the following uses may be also permitted if they conform to all relevant General Plan policies “convalescent care, community care and congregate care, visitor accommodations other than bed-and-breakfasts units, but only where the Visitor Accommodation Overlay District is applied; bed-and-breakfast units; live-work units and home occupations; and houses of worship.”

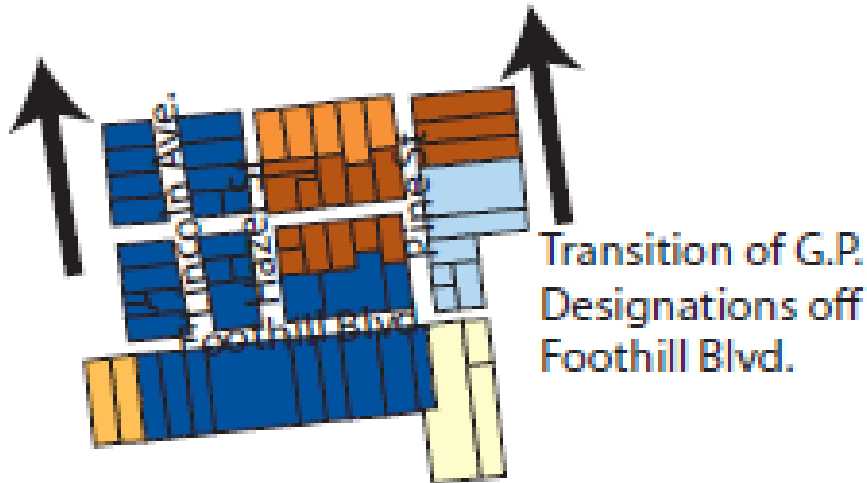
The property located at 1013 Myrtle Street is within a Visitor Accommodation Overlay Designation. The other two properties, 1001 and 1007 Myrtle Street, are not within the Visitor Accommodation Overlay designation as indicated in the General Plan, as shown in the table below.

	1001 Myrtle Street APN 011-256-005	1007 Myrtle Street APN 011-256-004	1013 Myrtle Street APN 011-256-003
General Plan Land Use Designation	High Density Residential	High Density Residential	High Density Residential
General Plan Overlay Designations	None	None	Visitor Accommodation Overlay
Zoning District	“R3”, Residential Professional Office	“R3”, Residential Professional Office	“R3”, Residential Professional Office
Principal Use	Residential	Residential	Residential
Conditionally Permitted Use(s)	None	None	3 Unit B & B

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104 Primary circulation in the neighborhood is via Foothill Boulevard (State Route
105 29/128). Commercial businesses are primarily situated near and/or are oriented
106 toward Foothill Boulevard. The commercial land uses transition to high density
107 residential/office toward and/or along Myrtle and Pine Streets. There are
108 currently several commercial uses established off Foothill Boulevard in this
109 transitional area, including Czech Inn, Euro Inn & Spa, and the Layton's
110 Calistoga Arbors.

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127 There are also several multi-family projects the vicinity. This Foothill Boulevard
128 corridor and side streets overtime have become a viable mixed use
129 neighborhood that will continue to thrive provided flexibility continues to exist.
130 Applying a Visitor Accommodation Overlay designation over the two properties
131 will *not* dramatically change this neighborhood character.

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The High Density Residential/Office designation currently provides opportunity
for commercial use, perhaps more intensive than a visitor accommodation use.
The application of the Visitor Accommodation Overlay designation will provide
opportunity to create a development that protects the neighborhood from more
intensive commercial use while ensure that a locally owned and operated visitor
accommodation can compete with similar establishments in the community.
Additionally, the location near the downtown is ideal to promote walking and
biking, which is a primary objective of the General Plan.

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B. Zoning Ordinance Amendment (Rezone)

144 The Land Use Designation Map is implemented through the Zoning Ordinance,
145 which provides more specific classifications than the General Plan. Under State
146 law, the Zoning Ordinance and other regulations must be consistent with the
147 General Plan. In this particular case, as described above, the properties are
148 currently zoned "R3", Residential/Professional Office, which is consistent with the

149 High Density Residential Land Use Designation. Although, since the property
150 located at 1013 Myrtle Street is within the Visitor Accommodations Overlay
151 designation it should also have a reciprocating “VA”, combination district. Since
152 the property does not have a “VA” combination district the Zoning Ordinance is
153 inconsistent with the General Plan¹. In the event the property is rezoned within
154 the “VA” combination district consistency would be achieved.

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156 Chapter 17.19 of the Zoning Ordinance describes the uses permitted in the “R3”,
157 Residential/Professional Office Zoning District where the project site is located.
158 All of the proposed uses associated with the visitor accommodation use(s)
159 described in the proposal would not currently be allowed under the existing “R3”
160 Zoning District. In order to accommodate the proposed land uses on the site the
161 rezone to include a “VA”, Visitor Accommodations Overlay District would be
162 warranted.

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164 Provided the requested amendment to the General Plan determined to have
165 merit, this rezone request should also be determined to be acceptable.

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167 **C. Development Agreement**

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169 As a result of these requests the City Council will need to consider the
170 appropriateness of a Development Agreement pursuant to Section 17.39.020 of
171 the Calistoga Municipal Code. Section 17.39.020 CMC states:

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173 *“Notwithstanding the above, all applications requesting approval of*
174 *an amendment to the General Plan or of rezoning shall be brought*
175 *to the City Council for consideration of whether a development*
176 *agreement would be appropriate for the particular development.”*

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178 As a result, the project is subject to a discussion on the appropriateness of a
179 Development Agreement, however, the Layton’s have not requested to enter into
180 a Development Agreement and Staff finds that the project’s scope does not
181 warrant further discussion.

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183 **FINDINGS**

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185 In recognition of the uniqueness of this site, or portions thereof, establishing a
186 Visitors Accommodation overlay designation and “VA” combining district would
187 help to preserve and maintain Calistoga’s historical tourist vitality and would help
188 to encourage an orderly development that does not dramatically affect to
189 neighborhood.

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¹ State Law requires that Zoning Ordinance provisions be amended to become consistent with the General Plan within a reasonable time.

191 The proposed land use amendments would not further restrict the number of
192 housing units that could be developed on the property. Upon the land use
193 amendments being adopted, the project would need to obtain all of the
194 necessary land use entitlements (i.e. use permits, design review, etc.) prior to
195 development. These land use entitlements are subject to further public hearings.
196 Impacts to the environment are not anticipated, however, it will be critical that the
197 City monitor the permit processing to ensure that the development remains
198 consistent with the established policies and regulations.
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200 **ENVIRONMENTAL REVIEW**

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202 It has been determined that the proposed action is exempt from the California
203 Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) which states
204 that CEQA applies only to projects which have the potential for causing a
205 significant effect on the environment. It can be seen with certainty that there is
206 no possibility that the action being contemplated, recommendation(s) on
207 amending the City's General Plan and rezone the properties, will have any
208 detrimental impact on the environment.
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210 **PUBLIC COMMENT**

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212 To date, staff has not received any written comments regarding this conceptual
213 proposal. However, Staff has received a couple inquiries regarding the project,
214 which have included concerns regarding the sprawl of commercial uses in a
215 residential area.
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217 **RECOMMENDATIONS**

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- 219 1. Based on the above findings, staff recommends adoption of a Resolution
220 recommending approval to the City Council of an amendment to the
221 General Plan Overlay Districts Map, Figure LU-6 designating the
222 properties located at 1001 and 1007 Myrtle Street (APN 011-256-005 &
223 004) within the Visitor Accommodation Overlay designation.
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 - 225 2. Based on the above findings, staff recommends adoption of a Resolution
226 recommending approval to the City Council of a Rezone (Zoning
227 Ordinance Map Amendment) of the properties located at 1001, 1007,
228 1013 Myrtle Street (APN 011-256-005, 004 & 003) including them within
229 the "VA", Visitor Accommodations Combination District.
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236 **SUGGESTED MOTIONS**

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238 **General Plan Amendment**

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240 I move to approve Resolution 2009-05 recommending approval to the City
241 Council of an amendment to the General Plan Overlay Districts Map, Figure LU-6
242 designating the properties located at 1001 and 1007 Myrtle Street (APN 011-256-
243 005 & 004) within the Visitor Accommodation Overlay designation.

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245 **Zoning Ordinance Amendment (Rezone)**

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247 I move to approve Resolution 2009-06 recommending approval to the City
248 Council a Rezone (Zoning Ordinance Map Amendment) of the properties located
249 at 1001, 1007, 1013 Myrtle Street (APN 011-256-005, 004 & 003) including them
250 within the "VA", Visitor Accommodations Combination District.

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252 **ATTACHMENTS**

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- 254 1. Applicant's written submittal letter dated September 15, 2008 and Plans
- 255 2. General Plan Land Use Map, Figure LU-4
- 256 3. General Plan Overlay Districts, Figure LU-6
- 257 4. Zoning District Map
- 258 5. "R3", Residential/Professional Office Zoning District
- 259 6. "VA", Visitor Accommodations Combination District