

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Calistoga Planning Commission
From: Samantha Thomas, Associate Planner
Meeting Date: February 9, 2022
Subject: **Street Vacation of a Portion of Gold Street – SV 2021-1
APN 011-192-003**

ITEM

1 Consideration to vacate a portion of Gold Street between Myrtle Street and Foothill
2 Boulevard located at APN 011-192-003 as requested by the owner. This item would
3 also clean up city records regarding the intended purpose of the subject property.

BACKGROUND

4
5 State law¹ and CMC Sections
6 12.32.010 and 16.16.220
7 establish the procedures for
8 vacating or abandoning a street.
9 Depending on the remaining use
10 of right-of-way to be vacated, a
11 local agency may either pursue a
12 summary vacation procedure or a
13 general vacation procedure. In
14 this instance a general vacation
15 procedure is necessary as there
16 are drainage facilities, which need
17 to remain in the former right-of-
18 way. The general vacation
19 procedure requires that the
20 Planning Commission review,
21 consider and make a
22 recommendation to the City Council with respect to consistency with the City's 2003
23 General Plan Update, 2014 Circulation Element. Refer to Attachment 1 for the
24 Resolution.



Gold Street facing Foothill Boulevard

Approval History

- 11/17/1992: City Council Resolution declaring its intention to vacate a portion of Gold Street.

¹ Streets & Highways Code Sections 892 and 8300 et. seq

- 28 • 12/17/1992: Department of Transportation opposed the extension of Gold Street
29 due to the potential need for a left-turn channelization or traffic signal installation
30 at the Lerner Drive/Route 128 intersection.
- 31 • 1/11/1993: Department of Transportation opposed the extension of Gold Street
32 due to its close proximity to Lerner Drive, leading to the possible need to
33 signalize either or both of these intersections, thereby creating operational
34 problems.
- 35 • 1/19/1993: City Council denied the vacation of Gold Street in order to complete
36 the improvements to Myrtle and Gold Street.
- 37 • 1/22/1993: The Planning and Building Department sent a follow-up letter to the
38 owner indicating that completion of the improvements to Myrtle and Gold Streets
39 is significant to the vacation of Gold Street, and that these improvements may be
40 an appropriate course of action.
- 41 • 2/2/2000: The Planning and Building Department sent a letter to the owner
42 indicating the City's GP was currently being updated; therefore, staff could not
43 support a request for a street vacation at that time.

44 Refer to Attachment 2 for Vicinity Map and Attachment 3 for Approval History. The
45 subject property's deeds from 1901 and 1923 are provided in Attachment 4, as well.

46 **DISCUSSION**

47 As previously mentioned, State law establishes that before a public right-of-way is
48 vacated by a local agency, a determination shall be made that the street vacation is
49 consistent with the community's General Plan. The Planning Commission's review of
50 this issue is limited to a recommendation that the proposed street vacation is or is not
51 consistent with the City's 2003 General Plan (specifically the 2014 Circulation Element
52 Update). The following pertinent 2014 Circulation Element Update action is provided to
53 assist the Planning Commission in making its determination. Action 1.1-2. on Page CIR-
54 14 of the 2003 General Plan Update states;

55 *"Cooperate with landowners to eliminate unnecessary "paper streets," as*
56 *appropriate."* [Circulation Element Goal 1, Objective 1.1, Action 1.1-2]

57
58
59 The 2003 General Plan Update states that the City will implement a number of changes
60 to the street network as seen on Figure CIR-3 of the General Plan. Furthermore, Page
61 CIR-12 of the 2003 General Plan Update states that State law requires State law
62 requires jurisdictions to abandon "paper streets" that will not foreseeably be used for
63 those intended rights-of-way of other public uses. This segment of Gold Street has
64 historically been considered a "paper street" and is not necessary to maintain
65 Calistoga's street network (see Attachment 5).
66

67 Furthermore, the intersection of Gold Street and Foothill Boulevard was determined as
68 a potential traffic and circulation concern with the City and with the California
69 Department of Transportation (Caltrans) in 1993. Although, this segment of Gold Street
70 has never been intended for roadway purposes, the land currently contains existing
71 significant drainage facilities necessary to maintain safety and prevent localized
72 flooding. Therefore, an easement shall be dedicated and recorded for the drainage
73 facilities to allow for City maintenance, as a condition of approval. The applicant has
74 expressed their desire to relocate the drainage facilities in order to develop the subject
75 property. It is understood that approval from regulatory agencies would be required prior
76 to doing so, as conditioned.

77
78 The proposed abandonment of Gold Street, between Foothill Boulevard and Myrtle
79 Street would not take affordable homes away from the potential housing stock as seen
80 on Figure H-4 of the 2014 Housing Element within the 2003 General Plan Update. As
81 shown on Figure H-4 under Site Number 10, the parcel is depicted as a potential
82 development site and has a General Plan Designation of Medium-Density Residential
83 with a zoning designation of R-1: Single-Family Residential (see Attachment 6). As
84 stated in the 2014 Circulation Element Update, abandoning this “paper street” could
85 allow use of the land for housing, parks, or other needed uses. Therefore, Staff finds
86 that this action to abandon a portion of Gold Street between Foothill Boulevard and
87 Myrtle Street is no longer needed for traffic circulation to be consistent with the 2003
88 General Plan Update goals and actions identified above.

89 **FINDINGS**

90 To reduce repetition, all the necessary findings are contained in the draft resolution.

91 **ENVIRONMENTAL REVIEW**

92 Staff has determined that this action is not subject to the California Environmental
93 Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

94 **RECOMMENDATION**

95 Based on the information and analysis contained in this report, Staff recommends that
96 the Planning Commission, after conducting a public hearing on the matter, adopt the
97 resolution recommending to the City Council the approval of a Street Vacation for a
98 portion of Gold Street between Foothill Boulevard and Myrtle Street, with conditions.

ATTACHMENTS

1. Draft Resolution
2. Vicinity Map
3. Approval History
4. Deeds from 1901 and 1923
5. Applicable Pages from the 2014 Circulation Element
6. Applicable Pages from the 2014 Housing Element