

# CITY OF CALISTOGA

## STAFF REPORT

**TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: CHARLENE GALLINA, PLANNING & BUILDING DIRECTOR**

**MEETING DATE: APRIL 22, 2009**

**SUBJECT: MUNICIPAL CODE AMENDMENT (CMC 2009-01) - GROWTH MANAGEMENT SYSTEM PROGRAM AMENDMENTS**

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2 **REQUEST:**  
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4 **CMC 2009-01.** Consideration of a Municipal Code Amendment initiated by the  
5 City of Calistoga for a text amendment to Title 19, Environmental Protection  
6 specifically, Chapter 19.02 Growth Management System of the Calistoga  
7 Municipal Code to clarify and improve program implementation. No further  
8 environmental review is required in accordance with Section 15061(b)(3) of the  
9 CEQA Guidelines.

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11 **BACKGROUND:**  
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13 On January 4, 2005, the City Council adopted Ordinance #616, which  
14 established Chapter 19.02 Growth Management System of the Municipal Code  
15 applicable to development in all zoning districts. On September 6, 2005, the City  
16 Council of the City of Calistoga adopted Ordinance #624 amending Chapter  
17 19.02 Growth Management System of Calistoga Municipal Code to clarify and  
18 improve program implementation.

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20 During the Special Joint Meeting of the City Council and Planning Commission,  
21 as well as, the processing of the 2009 Growth Management Allocation cycle, the  
22 City Council and the Planning Commission included in their deliberations a  
23 discussion on the need to revisit the City's Growth Management System Program  
24 to provide more flexibility in the regulations and to explore options on providing  
25 development incentives to encourage applicants to bring in projects that address  
26 City needs. Based upon these discussions, the following suggestions were  
27 provided:  
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- 29 • There should be a requirement for an overall revision of the Growth  
30 Management System program no later than the end of this year to incorporate  
31 lessons learned;
- 32 • There should be an examination on the possible suspension of all or portions  
33 of the Growth Management System program until development demands  
34 exceed resource supply (e.g., water/wastewater capacity and the 1.35%  
35 annual population growth);
- 36 • Consideration of development incentives for affordable housing, including a  
37 reduction in development impact fees;
- 38 • Consideration that allocations have a two year term instead of a single year;  
39 and
- 40 • Consideration in authorizing staff to administratively grant minor allocations to  
41 prevent unnecessary delays for small projects.

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43 Given these suggestions, staff informed the Council and Commission that  
44 recommendations on a text amendment to the Growth Management System  
45 program would be brought forward after the awarding of the 2009 allocations.  
46 Adopted Meeting Minute Excerpts for the June 25, 2008 City Council-Planning  
47 Commission Joint Session and the July 9, 2008 Planning Commission Meeting  
48 have been attached for Commission review. (Refer to Attachments 3 & 4)

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50 **STAFF DISCUSSION:**

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52 Attachment 2 presents staff's recommendations on proposed amendments to the  
53 City's Growth Management System. At this time, staff is not recommending to  
54 suspend all or portions of the Growth Management System program until  
55 development demands exceed resource supply, but instead staff is  
56 recommending additional exceptions to allow for a limited amount of water  
57 allocations to facilitate small business start-ups and to allow the construction of  
58 single family units on existing lots of record and the processing of minor  
59 residential subdivisions of 3 or fewer lots. (Refer to Section 19.02.050) It should  
60 be noted that the granting of non-residential allocations would be limited to small  
61 increments restricted to two (2) acre feet of water per calendar year and would  
62 be administered by the Planning & Building Director. Such allocations would also  
63 be counted towards the eight (8) acre feet annual restriction. With respect to  
64 residential allocations, the generated population for these units would be counted  
65 towards the five-year cycle 1.35% growth rate. Furthermore, it is staff's intent  
66 that all administratively granted allocations would be reported annually to the  
67 Planning Commission and City Council.

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69 In addition, staff is recommending several modifications to the standard General  
70 Development Objectives to model these objectives based upon previously  
71 adopted City Council General Development Objectives and to delete those  
72 objectives that have been provided under the "Exception" provisions (Refer to

73 Section 19.02.070). Furthermore, staff is recommending a change to the  
74 General Development Objective that addresses the preference for affordable  
75 housing in order to require that the housing units dedicated to very-low, low-  
76 and/or moderate-income be “deed restricted” and to add the words “...the  
77 majority of units...” to allow those project proposals that may want to provide a  
78 mix of market and deed restricted affordable units under this preference. Other  
79 minor changes included have been recommended to clarify the intent of the  
80 proposed regulation.

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82 With regards to providing additional development incentives (e.g., reduction in  
83 fees) for affordable housing, staff is recommending that this effort be addressed  
84 as part of our Housing Element Update process. Lastly, staff is not  
85 recommending any changes at this time to the single year timeframe for permit  
86 processing. It is staff’s opinion that project proponents in making an allocation  
87 application should be project ready and have the ability to submit a formal  
88 application within a reasonable time after the granting of an allocation. If  
89 additional time is needed due to market conditions or an anticipated sale of  
90 property, then the option to request the processing of a development agreement  
91 is available to the applicant. Given staff’s recommendation to include additional  
92 exceptions as discussed above, staff is confident that an amendment to the  
93 processing timelines for securing an allocation are not warranted at this time.

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95 **ENVIRONMENTAL REVIEW:**

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97 This action has been reviewed pursuant to the California Environmental Quality  
98 Act (CEQA) and determined that this activity is covered by the general rule that  
99 CEQA applies only to projects, which have the potential for causing a significant  
100 effect on the environment, and where it can be seen with certainty that there is  
101 no possibility that the action being contemplated, a change in review procedures  
102 for the processing of Growth Management Allocations, will have any impact on  
103 the environment (Section 15061(b)(3)).

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105 **RECOMMENDATION:**

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107 Staff recommends Planning Commission discussion and recommendation to the  
108 City Council on the adoption of an Ordinance amending Title 19, Environmental  
109 Protection specifically, Chapter 19.02 Growth Management System of the  
110 Calistoga Municipal Code to further clarify, streamline and improve program  
111 implementation.

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113 **SUGGESTED MOTION:**

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115 I move that the Planning Commission adopt Resolution PC 2009-08  
116 recommending to the City Council adoption of an Ordinance amending Title 19,

117 Environmental Protection specifically, Chapter 19.02 Growth Management  
118 System of the Calistoga Municipal Code to further clarify, streamline and improve  
119 program implementation.  
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121 **ATTACHMENTS**

- 122 1. PC Resolution 2009-08
- 123 2. Exhibit A - Proposed Amendments
- 124 3. Excerpt of Special Joint Meeting of the City Council-Planning Commission  
125 Minutes of August 5, 2008
- 126 4. Excerpt of Planning Commission Meeting Minutes of July 9, 2008
- 127 5. Chapter 19.02 Growth Management System