

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE
PLANNING COMMISSION

FROM: CHARLENE GALLINA, PLANNING & BUILDING
DIRECTOR

MEETING DATE: MAY 13, 2009

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

1
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.

10
11 **BACKGROUND/DISCUSSION:**

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13 On April 22, 2009, the Planning Commission conducted a public hearing on the
14 proposed revisions to the Growth Management System Program as
15 recommended by staff. After deliberation and in consideration of staff's
16 presentation, the Planning Commission directed staff to revise the proposed
17 Ordinance to address the following:

18
19 **1. Section 19.02.07 General Development Objectives for Awarding**
20 **Allocations:**

21
22 Add provisions to give preference to projects that will utilize and exceed
23 required conservation measures and "green" environmental policies and
24 initiatives.

25
26 In response to the Commission's direction, staff has attached to the staff report a
27 revised Ordinance showing these provisions in tracked changes on Lines 456-
28 461 of Attachment 2. As presented, staff is recommending incorporation of the

29 following objective that will apply to both residential and non-residential projects
30 to address this request:

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32 C. Preference for residential and/or non-residential allocations shall
33 generally be given to those projects that further the City's Local
34 Climate Action Program greenhouse gas emission reduction
35 measures and policies at the time the City's program is in place,
36 including but not limited to, Build It Green and/or Leed
37 Certification Programs.

38
39 **2. Section 19.02.060.H. Allocation Procedures**

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41 Add provisions to regulate residential subdivision proposals to ensure that
42 units are constructed in an expeditious manner after recordation of a final
43 map, since residential subdivisions are subject to the 1.35 percent growth
44 rate and to ensure that lots are not banked by the subdivider for higher
45 economic value.

46
47 In response to the Commission's concerns, provided below is staff's assessment
48 and recommendation of this issue. At this time, staff is recommending that the
49 following original changes to Section H be maintained to clarify the timeframe for
50 securing a subdivision allocation from the City.

51
52 H. Once a development has received an allocation, all required
53 discretionary and nondiscretionary approvals and permits
54 necessary to commence construction or in the case of a
55 subdivision recordation of a final subdivision map or final parcel
56 map must be obtained within 12 months of the date of
57 allocation.

58
59 With regards to regulating the timing of construction, it is staff's opinion that the
60 regulation of the City's growth rate should occur during the approval of a tentative
61 map and subsequent recordation of the final map and not when the building
62 permit is issued. Section 19.02.020 Objectives of Chapter 19.02 (Lines 25-77)
63 identified that the original intent of the City's Growth Management System
64 Program for new residential growth was to regulate new residential growth, as
65 well as, include in the City's 1.35% growth rate calculation newly created
66 subdivisions and those vacant legal lots of record that were previously created
67 and/or could not obtain a building permit for construction during the
68 water/wastewater moratorium years (e.g., Highland Court, Centre Court, etc.).
69 Therefore, the creation of all new residential lots through the recordation of a final
70 subdivision or parcel map itself was considered growth and thus, counted
71 towards the City's 1.35 percent growth rate. Timelines for individual lot
72 construction was not addressed or restricted with adoption of the Growth

73 Management System Program. Furthermore, it was through the review of an
74 individual allocation request that the City Council would determine, based upon
75 the established annual General Development Objectives and the assessment of
76 available resources, including but not limited to water and wastewater resources,
77 whether or not a specific development proposal and/or a proposed subdivision
78 request was appropriate within the annual cycle and the fixed five-year cycle.

79
80 Understanding the importance that land not be banked for a higher economic
81 value thereby using up annual allocations for projects that desire project build-
82 out, staff recommends that a more comprehensive assessment of this concern
83 be completed with review of the Housing Element Update effort in order to
84 identify methods for addressing this issue. Afterwards, another revision to the
85 Growth Management Ordinance could occur if needed.

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87 Should the Commission, upon further discussion of this issue desire to regulate
88 the timeframe for unit construction at this time, staff has provided suggested
89 language below for Commission consideration. It should be noted that staff
90 recommends a minimum three (3) year timeline for acquiring a building permit
91 since it would fit within the fixed five (5) year cycle for maintaining the 1.35%
92 growth rate.

93
94 H. Once a development has received an allocation, all required
95 discretionary and nondiscretionary approvals and permits
96 necessary to commence construction or in the case of a
97 subdivision recordation of a final subdivision map or final parcel
98 map must be obtained within 12 months of the date of
99 allocation.

100
101 1. In the case of a recorded subdivision, the processing of
102 permits for a development proposal shall occur within three
103 (3) years in order to maintain the allocation that was granted
104 by the City Council.

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106 **ENVIRONMENTAL REVIEW:**

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

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116

117 **RECOMMENDATION:**

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119 Staff recommends Planning Commission discussion and recommendation to the
120 City Council on the adoption of an Ordinance amending Title 19, Environmental
121 Protection specifically, Chapter 19.02 Growth Management System of the
122 Calistoga Municipal Code to further clarify, streamline and improve program
123 implementation.

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125 **SUGGESTED MOTION:**

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127 I move that the Planning Commission adopt Resolution PC 2009-08
128 recommending to the City Council adoption of an Ordinance amending Title 19,
129 Environmental Protection specifically, Chapter 19.02 Growth Management
130 System of the Calistoga Municipal Code to further clarify, streamline and improve
131 program implementation.

132
133 **ATTACHMENTS**

- 134 1. Revised Exhibit A - Proposed Amendments
135 2. Revised PC Resolution 2009-08
136 3. Planning Commission Staff Report of April 22, 2009