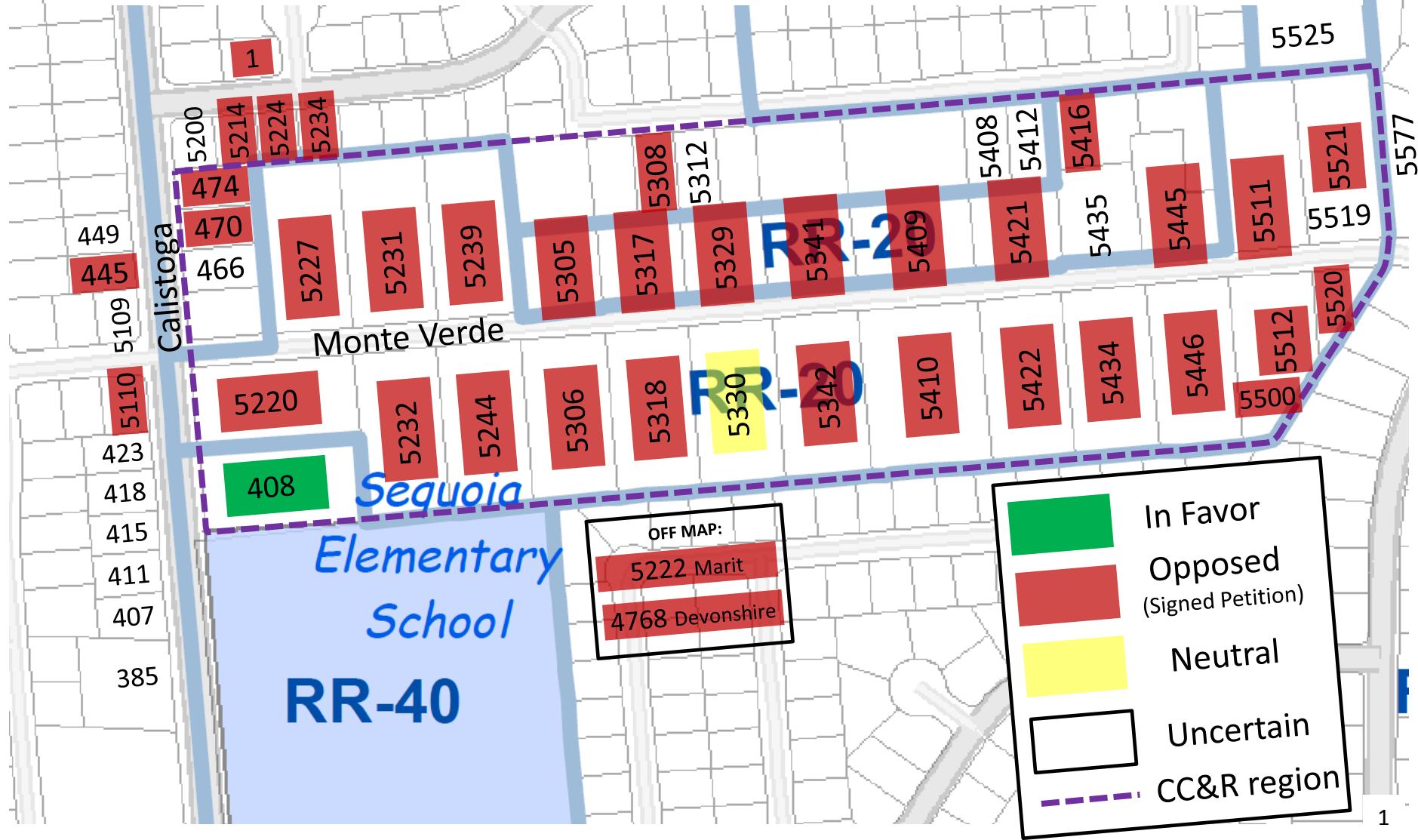


Reconsideration Hearing

November 18, 2014



The City Council Promised to Retain the Rural Nature of our Neighborhood

The 1999-2000 City Council promised to retain the rural nature of our neighborhood from Calistoga Road to St. Francis.

“The proposed zoning districts address these concerns by precluding future lot splits within the annexation area, except along Spain Avenue. The RR-40 District will not permit any of the 17 lots proposed for this designation to subdivide.” (Planning Commission Meeting, December 10, 1998)

The City Council pre-zoned 408 Calistoga Road RR-40 (Rural Residential) and determined that the Very Low Density designation was consistent with the policies contained in the General Plan (February 2, 1999, Ordinance No. 3405).

Without the pre-zoning and promises to retain the rural character of the neighborhood, the residents would **never have voted for annexation.**

Calistoga Cottages Project Violates GM-A-2 and LUL-E-4

The General Plan Amendment, Re-Zoning and tentative parcel Map must be denied since the Calistoga Cottages project is **not consistent** with 10 General Plan policies and goals and violates 2 specific, mandatory policies GM-A-2 and LUL-E-4. These policies **were not presented by staff** to the Planning Commission.

GM-A-2 “Clarify to project applicant that the low-density General Plan designations are not “interim” and that the intent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development.

*This applies specifically to the rural Very Low Density Residential designation, as **rural residential pockets will be retained within Santa Rosa’s UGB** to accommodate all lifestyles.”*

*LUL-E-4 “**Protect the rural quality of Very Low Density areas** with the Urban Growth Boundary through design and development standards in the Zoning Code and development review.”*

Inaccuracies by City Staff

In 2005 Clare Hartman mistakenly claimed that 408 Calistoga Road was not a part of the Monte Verde Subdivision. Parcel Maps 30-16 and 153-43 clearly prove that this is not true.

The planner should never have recommended the Calistoga Cottages project because **it is not consistent with the General Plan**

- 408 Calistoga Road is part of a Very Low Density rural pocket that is protected by the General Plan and is not intended for future development.
- Section 1-7 of the General Plan describes the method for “Changing the General Plan” and no provisions were made for waivers or exceptions.

The City Attorney should have warned the City Council that if they approve a project that is **not consistent with the General Plan, they are violating state law** (Zoning Code : 20-64.050, Government Code : 65300.5, 65860, 66473.5).

The General Plan Amendment Application was not Complete

Applicants did not submit a complete General Plan Amendment application by February 1 in order to qualify for a June hearing by the Planning Commission.

The planner noted the Calistoga Cottages project application as complete on March 6, 2014. However, the Developer's General Plan Amendment Application **was not complete until June 11, 2014** (Notice of Public Review and Intent to Adopt a Mitigated Negative Declaration was mailed to the public on May 22, 2014, before analysis of the proposed Amendment).

Why do you want a General Plan Amendment?

“The City's encouraged infill development. It's serviced by transit.

It is the developer's responsibility to provide evidence to support its application. In fact, the evidence shows that there is no need to change a density designation to provide housing (See July 29, 2014 Housing Element Update, plus Staff Report; Zoning Code : 20-64.020, P2).

Therefore, **there is no need for housing on this parcel.**

The Neighborhood has not Changed since Annexation 1999

What changes or events have occurred or what new evidence has arisen since the General Plan was adopted which now warrant a change?

“The need for housing. Infill housing is a method to achieve this.”

- Housing needs were addressed in the General Plan in 1999 and 2009, and the revised Housing Element, July 29, 2014
- 408 Calistoga Road has not changed since the 1999 pre-zoning and annexation, when the City Council zoned it RR-40 and included it in the rural pocket.
- The neighborhood has not changed. The property at 470 Calistoga Road was split to allow a City pumping station, long before annexation.
- All 17 properties zoned RR-40 at annexation are still Rural Residential Very Low Density, one single family dwelling on one acre.
- The schools, shopping center, bus routes, and fire station were all available in 1999.
- **So, no changes or events have occurred and no new evidence has arisen since the General Plan was adopted that warrants a General Plan amendment.**

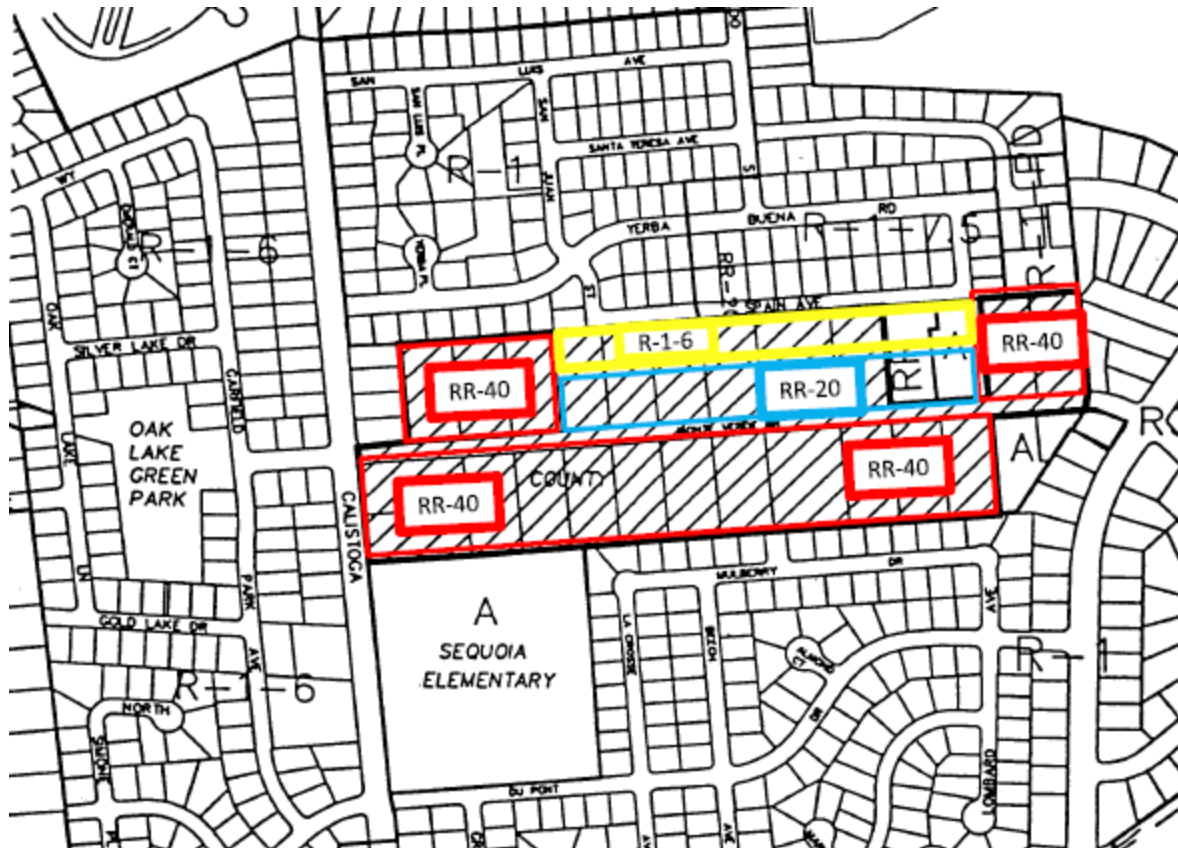
The Neighborhood Plan does not Support a General Plan Amendment

Have detailed neighborhood plans or other studies revealed the need for a General Plan Amendment?

“Not that we’re aware of.”

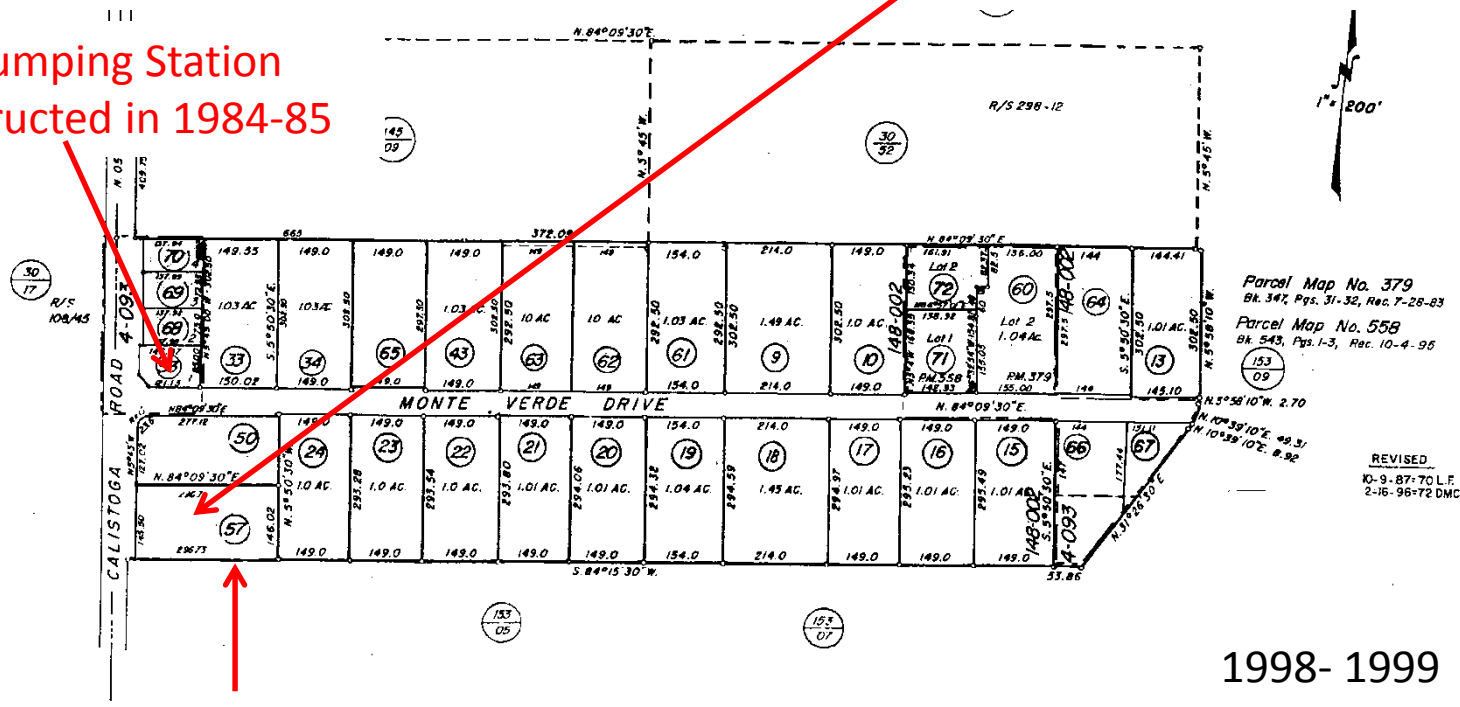
- By the applicant’s own admission **this criteria is not met.**
- In 1999 the City Council recognized and supported the neighborhood plan for the area and agreed to zone 408 Calistoga Road RR-40, Rural Residential Very Low Density, one residential unit per acre.
- In 1999, the City Council, city staff and residents believed that zoning this neighborhood rural residential would maintain the large-lot size and prevent any future development, except along Spain Avenue.
- **So the neighborhood plan does not support a General Plan Amendment to re-zone the parcel at 408 Calistoga Road.**

Ordinance No. 3405 Created a Neighborhood Plan



Ordinance No. 3405 Pre-zoned 408 Calistoga Road RR-40

City Pumping Station
Constructed in 1984-85



APN 030-160-057

1998-1999

In 2005 the owner of 408 Calistoga Road did not want to change the zoning of his property from RR-40 to RR-20

Assessor's Map Bk. 30, Pg. 16
Sonoma County, Calif.

Aerial View Does Not Support the Claims Made by the Applicant

Describe the effect the proposed change will have on the surrounding uses. Describe how the proposed change will affect achievement of the General Plan in this and the surrounding area.

“Impacts to neighbors are negligible. The site takes its access off Calistoga Road with a minor adjustment to the existing driveway. When compared to surrounding sites by using a current aerial view, this proposal is consistent in terms of scope and scale. Infill on this site will provide additional needed housing opportunities.”

- **40 residents signed a petition against changing the General Plan**, because this project will degrade the rural character of our neighborhood and create a land-use conflict.
 - The three proposed homes would not be on Calistoga Road. They would be set behind the existing house and will be visible to anyone living or traveling on Monte Verde Drive.
 - The first proposed lot extends further into the Monte Verde neighborhood than the existing house at 5220 Monte Verde Drive.
 - The second and third proposed homes would be a full football field into the neighborhood, directly in line with the second house at 5227 Monte Verde.
 - Imagine homes built underneath the oak trees at SRJC. The visual impact of this subdivision would be just as devastating to our neighborhood.
- The proposed driveway will have a negative impact on protected Valley Oak trees.
- The aerial view shows that this proposal is not consistent in terms of scope and scale.
- The Revised Housing Element, July 29, 2014 has already addressed City housing needs and planned growth does not include 408 Calistoga Road

Aerial View shows 408 Calistoga Road matches Adjacent Properties with One-Acre Lots

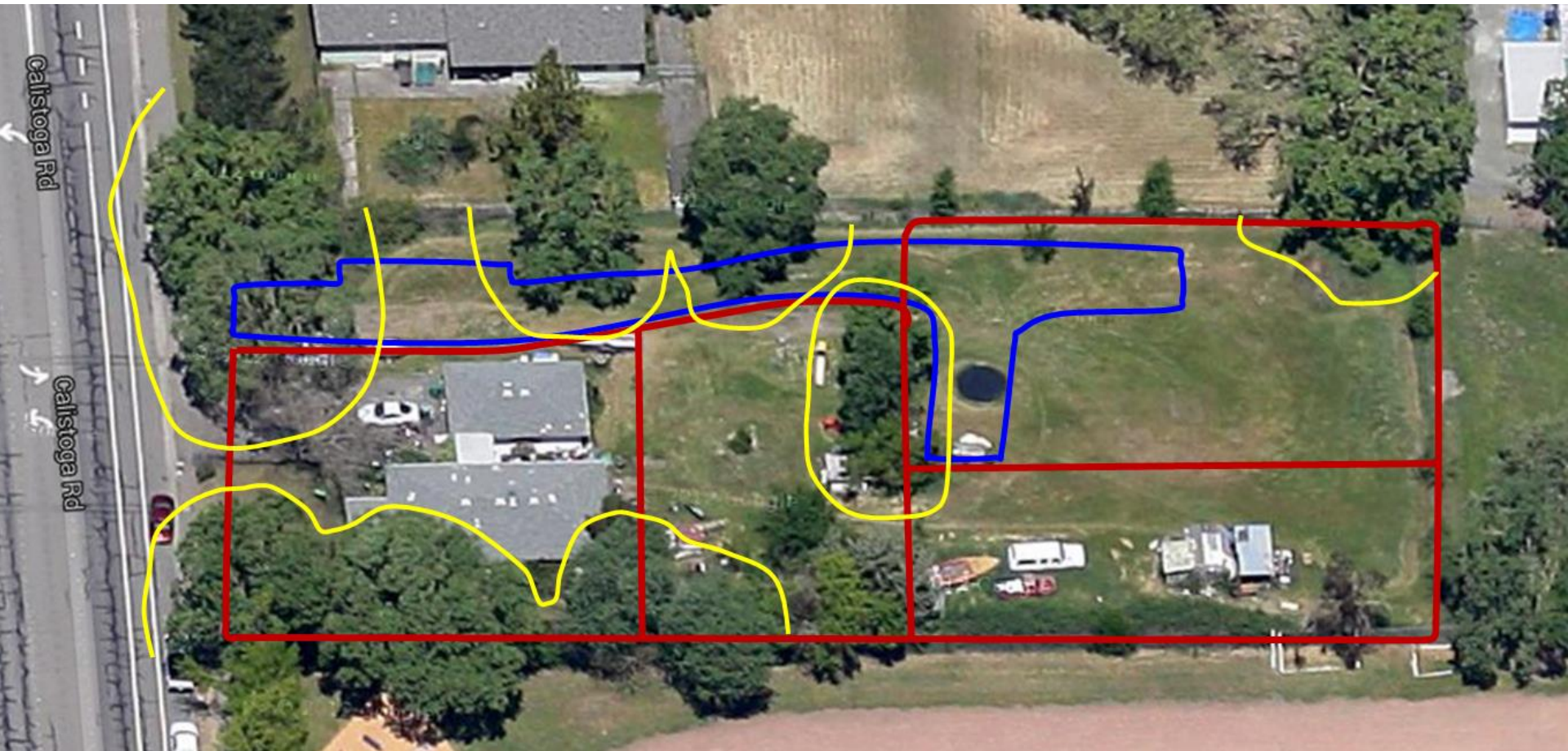


Proposed Driveway Invades Drip Lines of Protected Heritage Valley Oak Trees



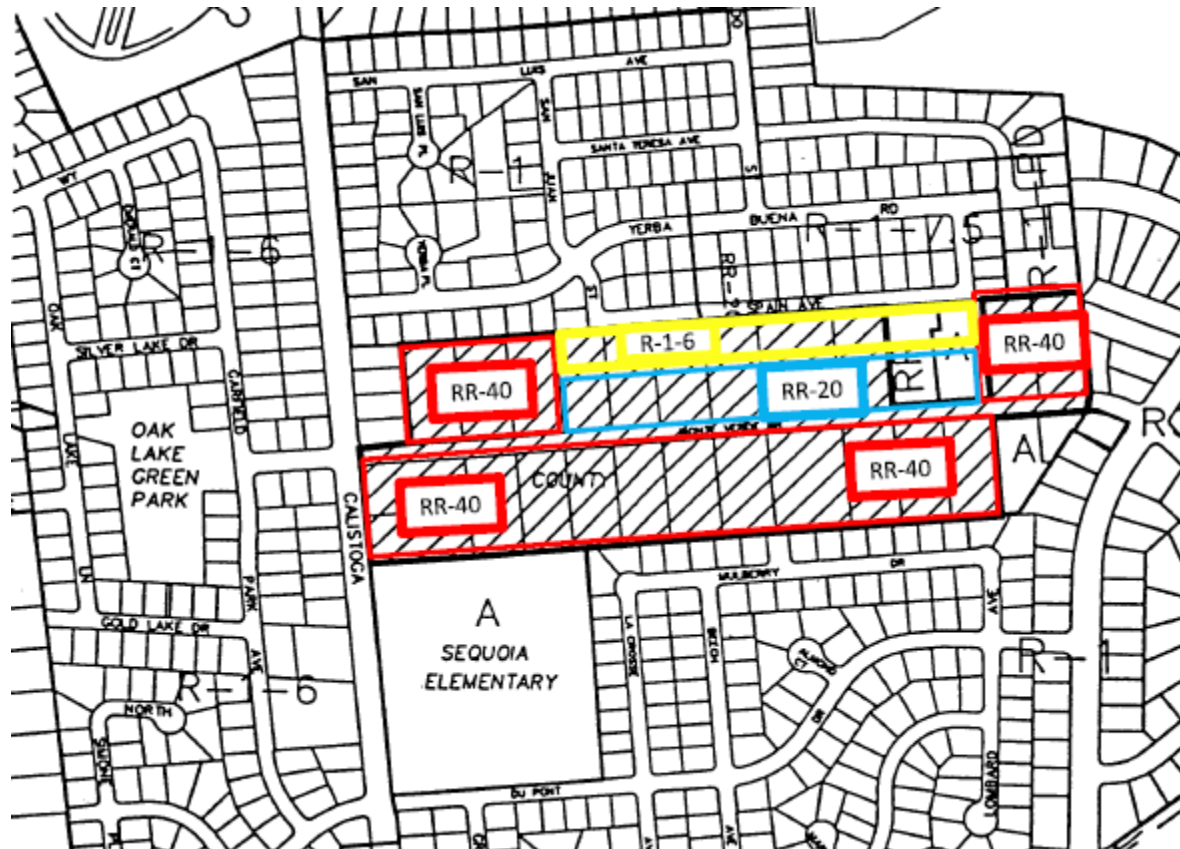
Aerial View of Heritage Valley Oak Drip Lines

- Root zones of protected heritage oak trees
- Common driveway proposed
- Property lines proposed



There are no Flag Lots in the Vicinity

All parcels have direct street access



Therefore, the proposed subdivision is **not consistent in scope and scale** with the rest of the neighborhood.

Resolution No.11679 is Inaccurate

- The Resolution written by the planner and signed by the Planning Commission is inaccurate.

Section A alleges:

“The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plans.”

This statement is inaccurate as this project violates GM-A-2, LUL-E-4 and is inconsistent with 10 other policies of the General Plan as outlined in the General Plan Detailed Analysis.

Section B – E

There were no building plans submitted with this proposal, so none of these claims were reviewed or evaluated by the Planning Commission, so **none of these claims can be made.**

Uphold the Appeal and Reject the General Plan Amendment

The Developer did not submit a complete General Plan Amendment application by the February 1 deadline.

No factual evidence was presented to support the answers given to the General Plan criteria submitted by the applicants on June 11, 2014.

The current zoning of RR-40 for 408 Calistoga Road is consistent with the General Plan and **no conditions in the neighborhood have changed to warrant a General Plan Amendment.**

Section 1-7 of the General Plan describes the method for General Plan Amendment and no provisions were made for any waivers.

So, we ask the City Council **to comply with California state law and uphold the appeal** overturning the Planning Commission's decision and **reject the General Plan Amendment**, mitigated negative declaration, tentative parcel map and proposed zoning change.