

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
SUBJECT: CALISTOGA COTTAGES APPEAL  
STAFF PRESENTER: SUSIE MURRAY, CITY PLANNER  
COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ACTION: RESOLUTIONS/ORDINANCE INTRODUCTION

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ISSUE(S)

Should the City Council, by resolutions, deny the Appeal and adopt the Mitigated Negative Declaration for Calistoga Cottages and deny the Appeal and approve a General Plan diagram amendment from Very Low Density Residential (0.2 to 2.0 units per acre) to Low Density Residential (2.0 to 8.0 units per acre); introduce an ordinance denying the Appeal and rezoning the property located at 408 Calistoga Road from RR-40 (Rural Residential) to R-1-6 (Single Family Residential); and, by resolution, deny the Appeal and approve the Tentative Parcel Map subdividing the 0.99-acre parcel into four single family residential lots.

BACKGROUND

1. Surrounding Land Uses

North: Single Family Residential (Very Low Density and Low Density Residential)  
South: Elementary School (Public/Institutional)  
East: Single Family Residential (Low Density Residential)  
West: Single Family Residential (Low Density Residential)

2. Existing Land Use – Project Site

The subject site is currently developed with an approximately 1,630-square foot single family home built in 1952. The existing home will remain.

3. Project History

In 1999, the property and surrounding neighborhood was annexed into Santa Rosa.

In 2005, the properties directly north and east, and continuing east along Monte Verde, were rezoned to the RR-20 zoning district.

On October 1, 2013, an application for General Plan Amendment was submitted to Community Development.

On October 30, 2013, a neighborhood meeting was held.

On December 10, 2013, companion applications, including a Rezoning and Tentative Parcel Map, were submitted to the Community Development Department.

On December 18, 2013, a Notice of Application was mailed.

On May 23, 2014 a Mitigated Negative Declaration was posted; comment period ending on June 22, 2014.

On June 26, 2014, the Planning Commission approved (5-0-2) four resolutions, as shown below:

- a. Adopting a Mitigated Negative Declaration, Resolution No. 11676;
- b. Recommending to the City Council approval of a General Plan Amendment changing the designated land use from Very Low Density to Low Density residential, Resolution No. 11677;
- c. Recommending to the City Council approval of a request to rezone the 0.99-acre parcel from RR-40 (Rural Residential) to R-1-6 (Single Family Residential), Resolution No. 11678; and
- d. Approving a Tentative Parcel Map, Resolution No. 11679.

On July 7, 2014, an Appeal application was submitted to the City Manager's Office.

On July 29, 2014, the City Council continued the public hearing to September 16, 2014.

#### 4. Project Description

Subdivide the existing 0.99-acre parcel into four single-family residential lots, retaining the existing home. The project includes a General Plan Amendment from Very Low Density Residential (0.2-2.0 units per acre) to Low Density Residential (2.0-8.0 units per acre), Rezoning from the RR-40 (Rural Residential) district to the R-1-6 (Single Family Residential) district, and a Tentative Parcel Map. While no conceptual plans were included part of the project submittal, three new residential units will likely be built. Access to the lots will be made via a common drive off Calistoga Road.

ANALYSIS

1. General Plan

The General Plan land use designation for the site is Very Low Density Residential, which allows 0.2-2.0 units per acre. The proposed General Plan Amendment would change the land use designation to Low Density Residential, allowing 2.0-8.0 units per acre. The approved Tentative Parcel Map limits this site to a maximum of four single family residential lots; the existing home will remain.

Applications for a General Plan Amendment must address four questions as shown below with applicant responses:

Question: Why do you want a General Plan Amendment?

Response: The City's encouraged infill development. It's serviced by transit routes.

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

Response: The need for housing. Infill housing is a method to achieve this.

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

Response: Not that we're aware of.

Question: 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.

Response: Impacts to the 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 scope and scale. Infill on this site will provide additional needed housing opportunities.

The following General Plan Goals & Policies are supported:

LUL-A Foster a compact rather than a scattered development pattern in order to reduce travel, energy, land, and materials consumption while promoting greenhouse gas emission reductions citywide.

LUL-E Promote livable neighborhoods by requiring compliance with green building programs to ensure that new construction meets high standards of energy efficiency and sustainable material use. Ensure that everyday shopping, park and recreation facilities, and schools are within easy walking distance.

- LUL-E-4      Protect the rural quality of the Very Low Density areas within the Urban Growth Boundary through design and development standards in the Zoning Code and development review.
- UD-F          Maintain and enhance the diverse character of Santa Rosa's neighborhoods. Promote the creation of neighborhoods – not subdivisions – in areas of new development.
- UD-G          Design residential neighborhoods to be safe, human-scaled, and livable by addressing compact development, multi-modal connectivity and reducing energy use.
- GM-A          Prevent urban sprawl by focusing growth within the Urban Growth Boundary.
- H-A            Meet the housing needs of all Santa Rosa residents.
- H-A-2        Pursue the goal of meeting Santa Rosa's housing needs through increased densities, when consistent with preservation of existing neighborhoods.

Zoning Code Section 20-64.050, Findings - An amendment to the General Plan, may be approved only if all of the following findings are made, as applicable to the type of amendment.

A. Findings for General Plan amendments.

- The proposed amendment ensures and maintains internal consistency with the goals and policies of all elements of the General Plan;
- The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
- The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land use developments; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff response: The Calistoga Cottages Subdivision maintains internal consistency with and furthers the goals of the General Plan. It is surrounded by similar residential uses and the increased density along an arterial street provides housing opportunities within walking distance of public transportation, a commercial center, schools and recreation areas. The commercial center offers a grocery store, dining, and a variety of other retail and commercial services.

Nearby schools include Maria Carrillo High, Sequoia Elementary, and Rincon Valley Middle School.

The site is physically suitable for the increased density.

- Water service, sewer treatment, and other utilities are available.
- Emergency services including Police and Fire are available.
- Community shopping center, including a grocery store, restaurants, and several other retail & commercial services is within walking distance.
- Public transit is readily available.
- Access will be taken directly off Calistoga Road with an anticipated increase of 29 vehicle trips per day.

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and an Initial Study has been conducted resulting in Mitigated Negative Declaration.

## 2. Zoning

The current zoning for the subject site is RR-40 (Rural Residential), with a minimum lot size of one acre.

North: RR-20 and R-1-6 (both single family residential)

South: RR-40 (Sequoia Elementary School)

East: RR-20 (single family residential)

West: R-1-6 (single family residential)

The following Zoning Code Sections are applicable to the project:

20-22.020(B) Purposes of the residential zoning districts - The R-1 zoning district applies to areas of the City intended to be maintained as residential neighborhoods comprised of detached and attached single family houses, clustered residential hillside projects, and small multi-family projects, together with compatible accessory uses. The R-1 zoning district implements and is consistent with the Low Density Residential land use classification of the General Plan.

20-22.040 (Table 2-3) Residential Zoning District Parcel Size and Density –

- Gross Area (minimum lot size): Interior lots 6,000 sf, corner lots 7,000 sf
- Width (measured midway between front and rear lot lines): Interior lots 60 ft., corner lots 70 ft.

20-64.030(A) Commission action on amendments – A recommendation to the Council for the approval of a proposed amendment shall be by resolution, and carried by the affirmative vote of at least four Commissioners; otherwise the proposal shall be deemed denied.

20-64.050 Findings - An amendment to the Zoning Map may be approved only if all of the following findings are made, as applicable to the type of amendment.

1. Findings required for all Zoning Code/Map amendments:

- The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;
- The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use/developments.

Staff Response: The requested rezoning will reduce the minimum lot size from one acre to 6,000 square feet. The approved Tentative Parcel Map has four lots ranging in size from 7,833 square feet to 13,705 square feet. The site is surrounded to the north and east, along Monte Verde Drive, by the RR-20 zoning district which allows a minimum lot size of 20,000 sf. Properties to the west, across Calistoga Road, are within the R-1-6 zoning district which allows a minimum lot size of 6,000 sf. It is bordered to the south by Sequoia Elementary School. The proposed subdivision will be accessed off Calistoga Road via a private common driveway.

The proposed General Plan Amendment coupled with the Rezoning is necessary to maintain internal consistency. The change would further the goals and policies of the General Plan, has been reviewed in compliance with the California Environmental Quality Act resulting in a Mitigated Negative Declaration, and would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The site is physically suited for the proposed change. Water, sewer, and other utilities are available; public transit is available; it is in close proximity to several schools and recreation areas, and a commercial center with a grocery store, dining opportunities, and many other services are within walking distance.

3. Environmental Review

An Initial Study was conducted in compliance with the California Environmental Quality Act (CEQA) resulting in a Mitigated Negative Declaration which concludes that, with the implementation of identified mitigation measures, the proposed project would have no significant environmental impacts. A Notice of Intent was posted for a 30-day period, from May 23, 2014 to June 23, 2014. No comments were received during that time.

In terms of the analysis, the project includes a General Plan Amendment, Rezoning, and Tentative Parcel Map. The application submittal did not include any proposed floor plans or conceptual drawings for future homes; however, the analysis did consider the future construction of three new homes. As a result, environmental factors potentially affected included biological resources, air quality, and noise. Standard mitigation measures have been implemented reducing all impacts to a less than significant level. Plans consistent with the R-1-6 development standards will be subject to a ministerial review through the building permit process.

The Initial Study includes discussion regarding biological resources, cultural resources, traffic impacts, and the existing residence. There are four studies that support these topics: Biological Assessment prepared by Laurence P. Stromberg, Ph.D. dated March 6, 2014; Arborist's Report prepared by Becky Duckles, Landscape Consultant & Arborist, dated February 28, 2014; Traffic Study prepared by W-Trans, dated February 28, 2014; and Cultural Resources Study prepared by Dawn Meeks and Janine M. Origer, M.A./R.P.A., dated May 13, 2014

4. Comments/Actions by Other Review Boards/Agencies

On June 26, 2014, the Planning Commission held a public hearing regarding Calistoga Cottages which proposes to subdivide a 0.99-acre parcel into four individual lots. Presentations were made by staff and the applicant. Additional public comments were heard, some of which included PowerPoint slides, and several neighbors opposed the project. The Planning Commission adopted the Mitigated Negative Declaration, approved two resolutions recommending to the City Council to approve both a General Plan Amendment from Very Low Density Residential to Low Density Residential and the Rezoning from RR-40 (Rural Residential) to R-1-6 (Single Family Residential), and approved the Tentative Parcel Map.

The Commission concluded that the proposed subdivision, which takes access off Calistoga Road, does not impede onto Monte Verde Drive, has access readily available to public services, is in close proximity to a commercial center, and has

access to public transit readily available. They further commented that the subject site is ideal for infill.

5. Appeal Request

On July 7, 2014, an Appeal application was submitted by Paul Bussard and Lynn Denley-Bussard to the City Manager's Office of which a complete copy is included with this report. To summarize, they are appealing the action taken by the Commission including the adoption of a Mitigated Negative Declaration, approval of the Tentative Parcel Map, and the recommendation to the Council approve both General Plan Amendment and Rezoning. The grounds upon which the appeal is filed are:

Number 1: The deed restrictions (CC&Rs) for this neighborhood prohibit subdivision of the property at 408 Calistoga Road into a lot size of less than 1 acre and only allow one residential unit per acre.

Staff Response: The City does not enforce Covenants, Conditions and Restrictions (CC&Rs). The subject property is one of 21 properties within the boundaries of the CC&Rs that are less than one acre in size. All 39 parcels within the boundaries are zoned RR-20 (Rural Residential) which allows a minimum parcel size of 20,000 square feet.

Number 2: The city policy of ignoring CC&Rs discriminates against the other property owners in the subdivision, especially the elderly who are on fixed incomes.

Staff Response: CC&R's involve a private civil matter which the City does not enforce.

Number 3: Development of 408 Calistoga Road would violate the City's ordinance protecting heritage Valley Oak trees.

Staff Response: During the project review, the site plan was modified to protect existing trees. The Mitigation Monitoring Program, established as part of the Mitigated Negative Declaration, includes measures for tree protection which require appropriate fencing and maintaining of existing grade within those fenced areas. In the event a tree needs to be removed in the future, a tree removal permit may be required to comply with the City's Tree Ordinance, Section 17-24.050.

Number 4: Real Equity Partners LLC is no longer the owner of 408 Calistoga Road.



Staff Response: Real Equity Property Holdings LLC is the new Primary Owner, but has the same controlling parties. A new Disclosure Form is included with this packet.

6. Neighborhood Comments

At the neighborhood meeting, held on October 30, 2013, 12 neighbors attended. Their concerns included:

- Increased density
- Disruption of the rural nature
- Traffic impacts to both Monte Verde Road and Sequoia Elementary School

In addition to the issues mentioned above, several comments were received from neighbors along Monte Verde Drive raising concern about the enforcement of the Conditions, Covenants, and Restrictions (CC&Rs). The applicant is aware of those comments and the City does not enforce CC&Rs.

A neighborhood petition, representing 35 properties located predominately along Monte Verde Drive, opposing the project was received.

7. Public Improvements/On-Site Improvements

The following public and site improvements shall apply:

- Calistoga Road will be improved to meet Boulevard Standards along the project frontage, and will include decorative street lighting.
- Street trees will be required, planted by the developer, and maintained by the property owners.
- The subdivision will include a public water main and public sewer main in the private drive
- The private drive will be a minimum of 20 feet wide and built to City Minor Street structural standards, and include a turn-around for emergency vehicle access.
- Because all residences of this subdivision will access Calistoga Road by way of the proposed common private drive, it will be covered by a separate joint maintenance agreement.

- All landscape and irrigation plans will comply with the City's Water Efficient Landscape Ordinance.

## 8. Issues

Traffic on Monte Verde Drive – Many residents along Monte Verde Drive are concerned about the potential increase in traffic along their street. The only access to the proposed subdivision will be off Calistoga Road. A direct path of travel to a nearby commercial center, many schools and recreation areas, and to Highway 12 will not require the use of Monte Verde Drive. The level of traffic along Monte Verde Drive is not anticipated to increase.

Increased traffic levels near Sequoia Elementary School – In a traffic study prepared by W-Trans, dated February 28, 2014, the proximity of the Calistoga Cottages in relation to Sequoia Elementary School was evaluated. Per the study, "In this vicinity, Calistoga Road is straight and flat, and has one travel lane, a bike lane and a parking lane in each direction, together with a center turn lane. The posted speed limit on Calistoga Road is 35 mph, though the site is located within a school zone with a posted speed 25-mph speed limit when children are present. Because of the geometrics and alignment of Calistoga Road, sight lines for drivers entering and exiting the driveway substantially exceed the 250 feet of stopping sight distance suggested in the Caltrans Highway Design Manual for a 35-mph approach speed."

Protect the rural nature of the existing Monte Verde Road area – The proposed 4-lot subdivision will provide a gradual transition between the rural residential neighborhood located to the east along Monte Verde Drive and the higher density residential neighborhood to the west along Calistoga Road.

Cultural Resources – Graton Rancheria expressed concern that the site may contain buried cultural resources. A cultural resource study was prepared by Dawn Meeks and Janine M. Origer, M.A./R.P.A., dated May 13, 2014. The study included the digging of three auger borings, located at the front, center and rear of the site, during which no evidence of cultural resources were found.

Ms. Origer further explained that areas located within 200 meters of a historic lake or stream are generally considered to have a greater potential to contain buried resources. Areas located more than 200 meters from a sustainable source of freshwater have moderate to low potential for buried deposits. The nearest reliable source of fresh water for the property is more than 500 meters to the south. This fact, combined with the results of the field survey lead to the conclusion that no additional subsurface work is warranted. The tribe was satisfied with the recommendation.

Ground Water Recharge – Nearby neighbors that rely on wells for potable water are concerned about the site being a valuable recharge area. The site is currently developed with a home, garage and driveway rendering approximately 8% of the surface area impermeable. The addition of three more homes could increase the impermeable surface to approximately 50%. The project itself is not large enough to trigger Low Impact Development (LID) or Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Future building permits will, however, be required to comply with the City's Water Efficient Landscape Ordinance (WELO) and CALGreen, Tier 1.

Conditions, Covenants, and Restrictions (CC&Rs) – There are CC&Rs for the Monte Verde Subdivision, which includes the subject site that limit development to one home per acre. There were several comments voicing concern about compliance with the CC&R's; however, the City does not enforce them.

### RECOMMENDATION

It is recommended by the Planning Commission and Department of Community Development that the Council, by three resolutions, deny the Appeal and adopt the Mitigated Negative Declaration for Calistoga Cottages and deny the Appeal and approve a General Plan diagram amendment from Very Low Density Residential (0.2 to 2.0 units per acre) to Low Density Residential (2.0 to 8.0 units per acre); introduce an ordinance denying the Appeal and Rezoning the property located at 408 Calistoga Road from RR-40 (Rural Residential) to R-1-6 (Single Family Residential); and, by resolution, deny the Appeal and approve the Tentative Parcel Map subdividing the 0.99-acre parcel into four single family residential lots.

Author: Susie Murray

#### Attachments:

- Attachment 1 - Aerial and Location Map
- Attachment 2 - Disclosure Form
- Attachment 3 - General Plan/Zoning Map
- Attachment 4 - Site Analysis Map
- Attachment 5 - Tentative Map
- Attachment 6 - Attachment 4 - Petition and Public Comments
- Attachment 7 - Initial Study/Mitigated Negative Declaration (including the Biological Study, Arborist's Report, and Traffic Study)
- Attachment 8 - Cultural Resources Study
- Attachment 9 - Clarification memo to Planning Commission
- Attachment 10 - Planning Commission Resolution Nos. 11676, 11677, 11678, and 11679
- Attachment 11 - Planning Commission Draft June 26, 2014 Meeting Minutes
- Attachment 12 - Cultural Resources & Traffic Follow-up Information
- Attachment 13 - Appeal Application