

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET- ST. HELENA, CA 94574
PLANNING COMMISSION**

September 6, 2016

AGENDA ITEM: 10

SUBJECT: Provide comments and direction concerning a request to re-designate all properties on Monte Vista Avenue from Medium Density Residential (5.1-16 units/acre) to High Density Residential (16.1-28 units/acre) as part of the City's General Plan Update process.

PREPARED BY: Noah Housh, Planning Director

REVIEWED BY: Noah Housh, Planning Director

LOCATION OF PROPERTY: City-Wide

APPLICANT: City of St Helena

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BACKGROUND:

This is the seventh Planning Commission agenda item on the General Plan update process since the April 2016 Draft General Plan was published. At the July 19, 2016, Planning Commission meeting during "Public Comments", a St Helena resident and Monte Vista Avenue property owner, Mary Stephenson, requested that the Planning Commission change the land use designation of eleven properties located on Monte Vista Avenue. Specifically, Ms. Stephenson asked that the Commission consider changing the General Plan land use designation from the existing designation of "Medium Density Residential", which allows a density of 5.1 to 16 units/acre, to "High Density Residential" which permits a density range of 16.1 to 28 units/acre. The Planning Commission directed staff to place this issue on the next available Planning Commission agenda for discussion and direction.

ANALYSIS:

Overview: Monte Vista Avenue is a cul-de-sac located in the northeast quadrant of the City. Monte Vista Avenue is fully developed, with all parcels located on the cul-de-sac being developed with a variety of multi-family homes. The majority of the development located on Monte Vista Avenue appears to have been built in the late 1960's and early 1970's, with many of the existing buildings being 40 to 50 years old.

There are eleven properties that are located on Monte Vista Avenue, totaling approximately 3.25 acres. Based on staff's analysis there are approximately 75 multi-

family units currently located on these eleven properties, with the density on the individual properties ranging from (a low of) 5.7 units/acre to (a high of) 33 units/acre. The average density for the eleven properties located on Monte Vista is approximately 23 units/acre (75 units/3.25 acres), which is well in excess of the 16 unit/acre maximum density allowed by the “Medium Density Residential” designation (currently applied to Monte Vista Avenue). Of the eleven properties, nine (82%) exceed the 16 units/acre maximum density allowed by “Medium Density Residential” designation.

This discrepancy (where a majority of existing development on Monte Vista Avenue exceeds the maximum allowable density), was stated as the primary justification for the requested change from Medium to High Density Residential. Implications associated with the existing non-conforming status of a majority of the properties have also been mentioned as a secondary justification.

Surrounding Land Use Designations and Uses

All properties in the immediate vicinity of Monte Vista Avenue are single family residential and are also designated (in the current (1993) General Plan) as “Medium Density Residential.” Except for the vacant Hunter property immediately east of Monte Vista Avenue, all of these properties are developed with detached single family homes (at approximately 4-5 units/acre), most of which are two-stories in height. The current “Medium Density Designation” is similarly inconsistent with the developed density of the existing single family homes surrounding Monte Vista Avenue (however to a lesser degree).

The April 2016 Draft General Plan proposes to leave the “Medium Density Residential” designation on the Monte Vista Avenue properties consistent with the 1993 General Plan, while proposing a new Low/Medium Density (4.1 to 7 units/acre) land use designation for the properties surrounding Monte Vista Avenue. It is worth noting that development plans prepared for the Hunter property propose a multi-family housing project adjacent to Monte Vista Avenue as a component of that project.

Rationale for High Density

As mentioned, the primary rationale to change the land use designation on Monte Vista Avenue to High Density Residential is to accurately designate the properties, based on their existing density and character as multi-family development. As identified, both the average density (23 units/acre) on the cul-de-sac and the density of (nearly all of) the individual parcels currently exceeds the maximum density allowed in Medium Density designation. This inconsistency between the maximum density allowed and the density of the existing development not only provides a less than accurate picture of the existing land use; it results in the majority of the existing development on Monte Vista Avenue being classified as “legal non-conforming”.

Implications of being considered a “legal non-conforming use” are identified in Zoning Code Section 17.140. Section 17.140.020 specifically states:

A nonconforming use is a legally established use of land which is not permitted in the zoning district in which it is located, or a use which is permitted by use permit but for which no use permit has been obtained, because the use was established prior to the application of the existing district due to rezoning, annexation or change in the regulations of the zoning ordinance. Legally established nonconforming uses shall be governed by the following regulations:

A. Nonconforming uses may be continued indefinitely, subject to the provisions of this chapter.

B. No nonconforming use shall be permitted to expand its operation or enlarge its floor area.

C. A legally established residential use which exceeds the density permitted by the zoning district and/or general plan land use designation in which it is located is a nonconforming use, and the density may not be increased, except as may be permitted as a density bonus pursuant to Chapter 17.144. However, buildings or structures on the lot on which such nonconforming residential use is located may be expanded, enlarged or reconstructed upon the approval of a use permit by the planning commission pursuant to Chapter 17.168.

Generally, a non-conforming status limits re-construction if a structure is damaged in excess of 50% of the value of the structure. A non-conforming status will also limit the ability to renovate a property if the proposed renovations exceed 50% of the value of the structure. However, this designation can also affect appraisal values and therefore have implications with the ability to obtain financing for a purchase or renovation. In either case, a “legal non-conforming structure” cannot be replaced as it exists unless the owner of the property receives approval of a use permit from the Planning Commission.

Proponents of increasing the density of Monte Vista Avenue contend that the “legal non-conforming” status of the existing multi-family units on Monte Vista Avenue, combined with uncertainty of receiving use permit approval to rebuild and/or renovate, could have a “chilling effect” on Monte Vista Avenue property owners considering improvements to their properties. Improvements can be made to the property without triggering the need for a use permit as long as these improvements are less than 50% of the value of the structure being improved. It is difficult for staff to accurately determine how much a non-conforming status or use permit requirement actively discourages owners from improving their property. However, it can be said with some certainty that a non-conforming status adds limitations to the options available to property owners.

Other Issues to Consider: There are other relevant factors to take into account in considering changing the land use designation from Medium Density to High Density residential, beyond the non-conforming status of the existing development. These factors are noted and briefly discussed below.

Density Bonus Provisions

State Density Bonus law provides a mechanism to address the difference between the existing density of development and the maximum density allowed on Monte Vista Avenue. State Density Bonus law and City Ordinance permit density increases if a certain percentage of units are designated and restricted as affordable housing. City Code authorizes a density bonus of up to 35%, which would allow most of the properties on Monte Vista Avenue to meet their current density if granted a density bonus by the City.

The density bonus provisions provide an alternate mechanism for a “legal non-conforming use” to be rebuilt or remodeled. However, use of the Density Bonus to achieve this density would require designation of the units as ‘Affordable Housing’. Changing the land use designation on Monte Vista Avenue to High Density Residential would eliminate the need for owners to designate their properties as restricted affordable housing (and apply for a density bonus) to achieve the density levels of the current development.

Multi-Family Housing By-Right and the Potential for Increase Development

As referenced above, the City Council in June of 2016 approved a modification to the Zoning Code allowing Multi-Family housing as a permitted land use in the High Density Residential Zoning District. This amendment to the Zoning Code was driven by elements of the Housing Element approved by the California Housing and Community Development (HCD) and adopted by the Council earlier in the year. This revision made Design Review the only entitlement required for multi-family housing in the High Density land use designation, somewhat limiting the City’s discretion over these types of development proposals. As such, amending the designation of the Monte Vista Avenue properties to High Density will allow re-development of any of the eleven properties with multi-family housing by-right.

The High Density Residential land use designation allows up to 28 units/acre, over 50-percent higher than the maximum allowed under the Medium Density Designation. The upper limit of 28 units/acre would allow as many as 91 total units to be built on Monte Vista Avenue, or 18 more units (an approximate 25% increase) than currently exists on Monte Vista Avenue.

Given that many of the buildings on Monte Vista are 40 plus years old, the increase in density allowed with the High Density Residential land use designation, combined with multiple-family development being permitted “by-right” could motivate owners on Monte Vista Avenue to rebuild the multi-family homes or add residential units to existing structures. If property owners on Monte Vista Avenue chose to do so, the City’s discretion would be limited to Design Review.

Three Story Height Potential

One final difference between Medium and High Density Residential worth consideration is the maximum allowable height for structures. The Medium Density Residential zoning district has a 30 foot height limit while High Density Residential allows a maximum

height of 35 feet. The 35 foot height in High Density Residential could accommodate a three story structure, while a majority of the current development on Monte Vista is currently two stories. The increased height of a third story should be considered in discussing increasing the allowable density on Monte Vista Court. As mentioned previously, existing neighboring development is predominantly single family homes that are two stories in height.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss and provide staff direction regarding modifying the land use designation for the 11 properties on Monte Vista Avenue from its current designation of Medium Density Residential, to High Density Residential.

Ultimately, when the General Plan and Final EIR are brought before the Planning Commission for a recommendation to the City Council, the Commission will make a formal recommendation to City Council on this issue as well as the other issues reviewed and discussed at previous General Plan Study Sessions.

Attachments:

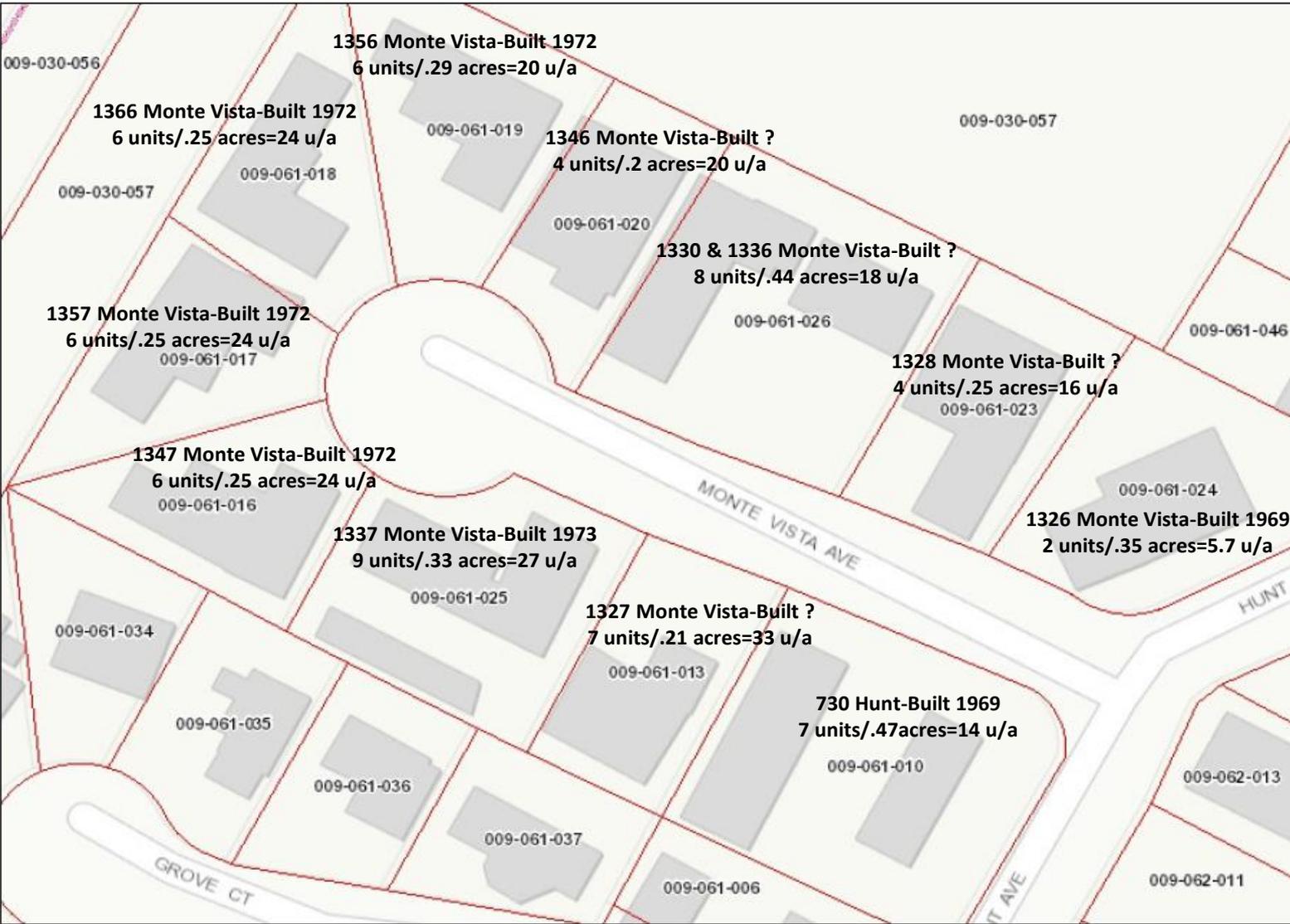
- A. Land Use Designations from the April 2016 General Plan with Monte Vista Avenue highlighted.
- B. Staff Prepared Density Analysis for Monte Vista Avenue



City of St. Helena-Monte Vista Avenue

Legend

-  Urban Limit Boundary
-  Parcels
-  County Boundary



Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 8/17/2016

Notes