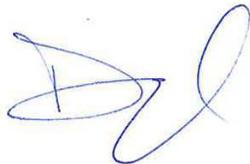


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg, Planning and Building Director
DATE: November 15, 2016
SUBJECT: Potential Zoning Code Amendments Related to Administrative Use and Temporary Use Permits

APPROVAL FOR FORWARDING



Dylan Feik, City Manager

1 **ISSUE:** Initiation of Zoning Code amendments to revise the applicability of
2 Administrative Use Permits and establish a Temporary Use Permit

3 **RECOMMENDATION:** Direct staff to prepare and process ordinance amendments that
4 revise the requirements for Administrative Use Permits and that establish a Temporary
5 Use Permit

6 **BACKGROUND:** Calistoga Municipal Code Title 17, Zoning, allows or requires the
7 approval of "Administrative Use Permits" by Planning Department staff for a wide range
8 of activities and projects, including:

- 9 1. Uses that are limited in scope or of a temporary nature, such as holiday or other
10 seasonal events and sales lots for a duration of seven or more consecutive days
- 11 2. Temporary uses conducted on private property and not subject to a Special
12 Event permit
- 13 3. Outdoor live entertainment with non-amplified instruments in conjunction with an
14 established business operation
- 15 4. Outdoor bicycle rentals in conjunction with an established retail sales operation
- 16 5. Outdoor and sidewalk dining in conjunction with an established restaurant
17 operation
- 18 6. In the Downtown Commercial Zoning District: restaurants, bakeries, cafes and
19 similar uses which are not a formula business or restaurant, and do not include
20 live entertainment, dancing or outdoor seating in a public right-of-way

- 21 7. In the Rural Residential–Hillside Zoning District: subdivision sales offices,
22 building additions and new accessory buildings of 400 square feet or more
23 8. In the Downtown Commercial and Community Commercial Zoning Districts: all
24 “permitted uses” (i.e., those that do not require a Planning Commission-approved
25 use permit) that are located within an entry corridor designated in the General
26 Plan
27 9. Fences, walls and hedges between six and eight feet in height in a required rear
28 or side yard setback area

29 The processing fee for administrative use permits was recently increased from \$50 to
30 \$850 because staff refers most of these applications to other City departments for
31 review, notifies surrounding property owners of the application, and prepares findings
32 and conditions of approval.

33 **DISCUSSION**

34 Staff recommends several amendments to the Zoning Code in order to streamline the
35 review process for some of the above entitlements and reduce processing costs. There
36 is also a need to add procedures for reviewing administrative use permits, which are not
37 currently included in the Code.

- 38 • Create Temporary Use Permit

39 The recent increase in the processing fee has brought to light the fact that it is an
40 excessive charge for Administrative Use Permits involving special events held at
41 restaurants or wine tasting rooms in commercial areas, since these types of
42 applications are routinely approved by Planning Department staff without the need
43 for input from other departments or nearby property owners. The new fee deters
44 business owners from applying for City approval. Therefore, staff proposes to create
45 a “Temporary Use Permit” for these types of events, with a processing fee of \$150,
46 which would cover roughly one and one-half hours of staff time. The seasonal
47 events listed in #1 above would also be included in this permit category.

48 Special Event Permits would continue to be used for temporary events on private
49 property that require coordination among other departments and agencies, such as
50 the annual film festival, and processed by Recreation Services.

- 51 • Remove Administrative Use Permit requirement for restaurants

52 As noted in #6 above, certain restaurants, bakeries, cafes and similar uses in the
53 Downtown Commercial Zoning District require approval of an Administrative Use
54 Permit. Over the years, City staff has dealt with the opening of many new food
55 establishments, which usually locate in an existing commercial space. Through this
56 experience it has become evident to staff that potential issues that arise are
57 generally the same: parking, water and sewer allocations, bars and live
58 entertainment. While establishments with bars and/or live entertainment do raise
59 issues that warrant discretionary review and public discussion, staff believes that
60 establishments without such uses can be reviewed through established procedures

61 and practices for new businesses, i.e., an occupancy inspection by the Fire
62 Department and approval of a Zoning Clearance by the Planning Department.

- 63 • Remove Administrative Use Permit requirement for Entry Corridors

64 As noted in #8 above, certain properties located at Calistoga's entrances are
65 designated with Entry Corridor Overlays by the Calistoga General Plan (see
66 Attachment 1). The overlays are intended to enhance its small-town, rural character
67 by interweaving elements of the natural and built environments between primarily
68 agricultural lands in the County and developed lands in the City. Appropriate site
69 layouts, architecture and setbacks are to be used to create an understated visual
70 appearance for development visible from the roadway. There are six designated
71 entry corridors, each of which has brief design guidelines for future development.

72 The Zoning Code requires approval of an Administrative Use Permit for otherwise-
73 permitted uses on properties that are zoned Downtown Commercial (DC) or
74 Community Commercial (CC) and are located within an Entry Corridor. This
75 requirement is unnecessary, because most new construction is subject to design
76 review approval (either by staff or the Planning Commission) and all new
77 construction in the Community Commercial District is subject to a Planning
78 Commission-approved use permit. Therefore, staff recommends that the
79 Administrative Use Permit requirement be deleted for DC- and CC-zoned properties
80 within entry corridors.

- 81 • Remove Administrative Use Permit requirement for over-height fences

82 As noted in #9 above, approval of an Administrative Use Permit is required for
83 fences, walls and hedges between six and eight feet in height in a required rear or
84 side yard setback area. Given the ubiquity of eight-foot high fences in order to
85 maintain privacy in residential yards, many of which have not been approved by the
86 City, Staff recommends amending the Zoning Code to allow fences of up to eight
87 feet as a matter of right along rear and interior side property lines, and in street side
88 yards if they are set back five feet from the property line.

- 89 • Add Administrative Use Permit review requirements

90 The Code does not require notification of property owners within 300 feet prior to
91 staff taking action on an Administrative Use Permit (except in the case of over-height
92 fences). It is recommended that this requirement be added in order to inform
93 neighbors of these applications.

94 **FISCAL IMPACTS:** Implementation of the recommended amendments would result in
95 a slight reduction in anticipated Planning Department revenue, since the number of
96 Administrative Use Permit applications would be reduced. However, there would be
97 positive fiscal impacts to business and property owners through lower permit fees or the
98 avoidance of such fees. Furthermore, requiring a less-expensive permit for certain
99 temporary events would encourage businesses to comply with Code requirements
100 rather than ignore them.

- 101 **ATTACHMENT:**
- 102 1. Entry Corridor excerpt from Calistoga General Plan

Excerpt from Calistoga General Plan Land Use Element

Entry Corridor Overlay

The principal entrance points into Calistoga provide a unique opportunity for community identity. It is important to preserve and protect the “country town” appearance of Calistoga by ensuring that new development is of a scale subordinate to the agricultural uses of properties located at these entry corridors.

As shown in Figure LU-6, properties located at entry corridors into Calistoga are all designated with Entry Corridor Overlays. These overlay designations will enhance Calistoga’s small-town, rural character by interweaving elements of the natural and built environment between primarily agricultural lands in the County and developed lands in the City. This will be reinforced through appropriate land uses, design elements and landscaping. All development in this area should maintain existing rural and open space qualities. Appropriate site layout, architecture, and setbacks should be used to create an understated visual appearance for development visible from the roadway.

Development in all entry corridors shall incorporate the following features:

- Setbacks shall be wide in order to preserve rural characteristics and shall be landscaped with trees, vineyards and/or native vegetation. These setbacks shall not be deducted from the calculation of net density (i.e., the same amount of development is permitted, shifted elsewhere on the property).
- Walls, fences and berms included in landscaping should incorporate materials and design that blend harmoniously with the surrounding landscape.
- Existing orchards and stands of mature trees shall be maintained or replaced with similar vegetation.
- Unique natural features shall be preserved and remain visible.
- The appearance of historic buildings visible from public streets shall be preserved.
- New buildings should reflect small-scale, low-rise design characteristics with an understated visual appearance, and should maintain existing small-town rural and open space qualities.
- Parking areas should not be visible from the entry corridor roadway.
- All development within designated entry corridors shall be subject to design review.
- New development shall not include shopping centers, gas stations, “big-box” retailers, or other commercial centers with strip retail characteristics, and formula businesses shall be discouraged.
- Commercial uses permitted in the entry corridor should complement rather than compete with Calistoga’s downtown commercial core. Examples of such uses include, but are not limited to, nurseries, destination spas and resorts, museums, winery and vineyard-related businesses and community facilities such as a library or recreational use. Such uses shall be allowed only if they are consistent with the underlying land use designation.

For those parts of the entry corridors located outside of city limits, the City shall provide input to the County Planning Department and other County review authorities.

The following sections describe each entry corridor and give additional guidance for their development.

Entry Corridor 1: Downvalley Foothill Boulevard

The majority of people approach Calistoga along Foothill Boulevard from the southeast, and pass through this entry corridor. The entry corridor is undeveloped except for a small number of single-family homes set back from the road, and some vineyards and orchards outside of the city limits. A portion of the right-of-way is an open gravel area running alongside the road, which is controlled by Caltrans.

All development in this area should maintain the rural and open space qualities, with minimal visibility from the highway.

Entry Corridor 2: Downvalley Silverado Trail

Vineyards and related uses are the predominant use of land on the north side of Silverado Trail in this area, both inside the city limits and in the adjacent unincorporated area. The south side is primarily developed with a resort and winery, along with a public water tank at the top of Mt. Washington. Between Brannan Street and Lincoln Avenue, uses include a light industrial facility, a church, a winery and some rural residential uses.

A tourist entertainment business, including bicycle rentals and tours, may be considered subject to the processing of a use permit. All development in this area should preserve vineyards and existing trees along Silverado Trail, to the extent feasible, and conform to the rural quality of the area.

Entry Corridor 3: Lincoln Avenue at Foothill Boulevard

With its flashing light and historic directional arrow sign, this three-way intersection is the visual entrance to downtown Calistoga. Most properties in this entry corridor are highway-oriented; there is limited landscaping and substantial amounts of land on each parcel is set aside for automobile access and parking.

The City desires that new development in this area include minor landmark features such as small signs or gateway landscaping to mark the entrance to the Downtown on Lincoln Avenue. One- and two-story construction, oriented toward the intersection, would be appropriate. Development at the intersection of Foothill Boulevard and Petrified Forest Road should have positive visual qualities to mark the entrance to the town

Entry Corridor 4: Lincoln Avenue/Silverado Trail

The part of this entry corridor outside of city limits is mostly undeveloped. The major exception is the PG&E power substation and homes on parcels generally exceeding two acres. The area's general appearance is rural. The appearance of the western side, within the city limits, is similar, although slightly more developed, with some single-family homes on large parcels, interspersed with areas of low intensity or vacant agricultural land.

All development in this area should maintain existing rural and open space qualities. Appropriate site layout, architecture, and setbacks should be used to create an understated visual appearance for development visible from the roadway.

Entry Corridor 5: Upvalley Foothill Boulevard

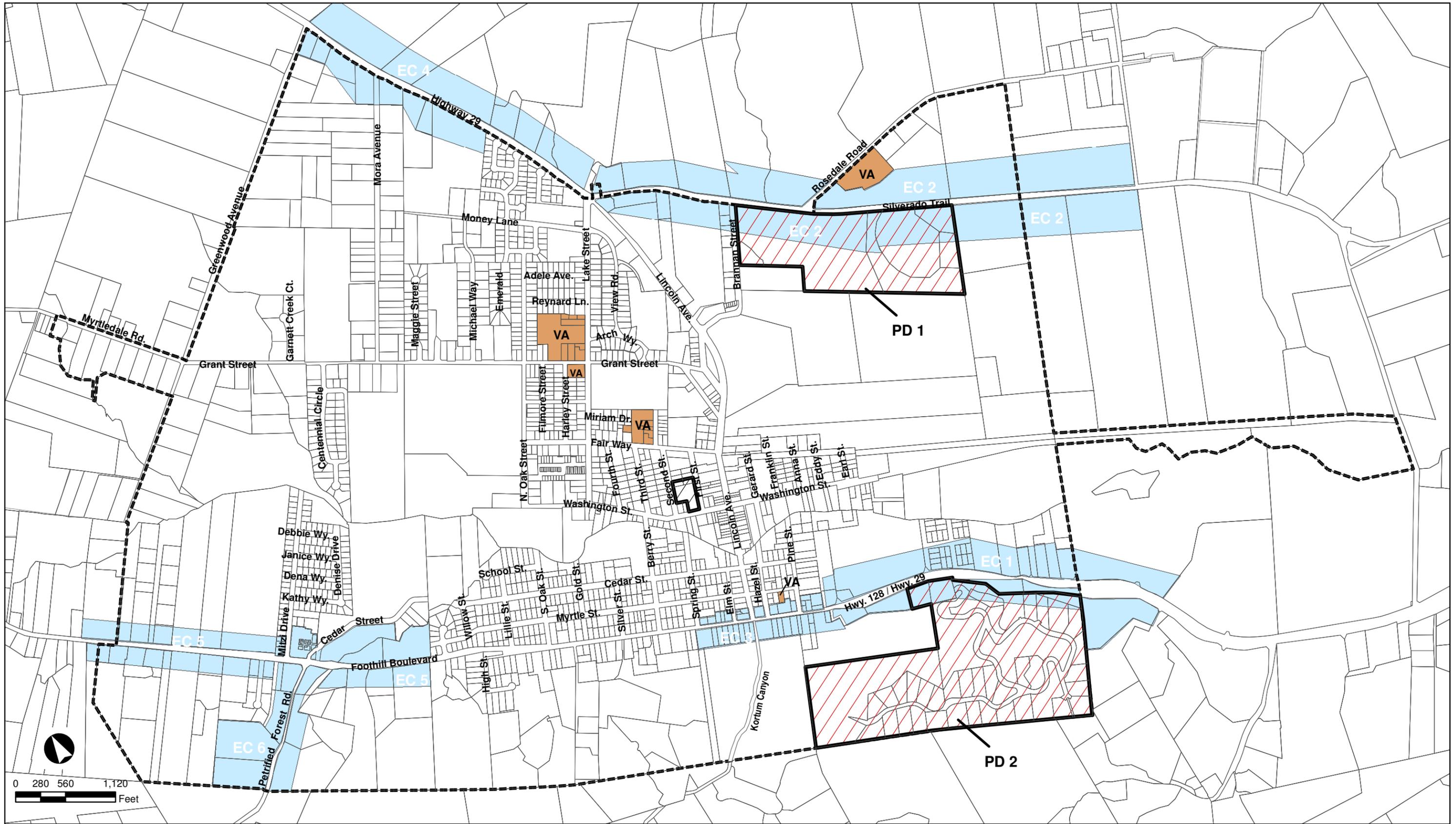
In this entry corridor, the hilly terrain of the southwest side of Foothill Boulevard contrasts greatly with the flat open fields of the northeast side. Houses are relatively small and the agricultural uses of the properties dominate visually.

Any development in this area should preserve the rural open space character visible from Foothill Boulevard. Development at the intersection of Foothill Boulevard and Petrified Forest Road should have positive visual qualities to mark the entrance to the town.

Entry Corridor 6: Petrified Forest Road

This entry corridor is hilly and heavily forested, except at the commercial properties at the intersection with Foothill Boulevard. Properties directly fronting the intersection are auto-oriented, with little indication that this is an entrance to Calistoga. Most existing development on the other parcels is set further back from the public right-of-way.

New development along Petrified Forest Road should retain or enhance tree cover visible from the roadway.



Planned Development Designations

- 1. Silverado Trail
- 2. Calistoga Hills

EC Entry Corridor Overlay

VA Visitor Accommodation

--- City Limit Line

FIGURE LU-6
OVERLAY DESIGNATIONS