



City of Calistoga
Planning Commission

Agenda Item Summary

DATE	November 30, 2016
ITEM	Amendments to Title 17, Zoning Code, to Revise the Requirements for Use Permits (ZOA 2016-2)
STAFF CONTACT	Lynn Goldberg, Planning & Building Director
POTENTIAL CONFLICTS	None
RECOMMENDATION	Recommend that the City Council adopt the proposed amendments to Title 17
SUGGESTED MOTION	"I move that the Planning Commission adopt a resolution recommending that the City Council revise the requirements for use permits contained in Calistoga Municipal Code Title 17"

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Chairman Coates and Members of the Planning Commission
From: Lynn Goldberg, Planning & Building Director
Meeting Date: November 30, 2016
Subject: Zoning Code Amendments Related to Use Permits (ZOA 2016-2)

ITEM

Consideration of a recommendation to the City Council regarding proposed amendments to Calistoga Municipal Code Title 17, Zoning, to revise the requirements for use permits

BACKGROUND

Calistoga Municipal Code Title 17, Zoning, allows or requires the approval of an “administrative use permit” by Planning Department staff for a wide range of activities and projects, including:

1. Uses that are limited in scope or of a temporary nature, such as holiday or other seasonal events and sales lots for a duration of seven or more consecutive days
2. Temporary uses conducted on private property and not subject to a Special Event permit
3. Outdoor live entertainment with non-amplified instruments in conjunction with an established business operation
4. Outdoor bicycle rentals in conjunction with an established retail sales operation
5. Outdoor and sidewalk dining in conjunction with an established restaurant operation
6. In the Downtown Commercial Zoning District: restaurants, bakeries, cafes and similar uses which are not a formula business or restaurant, and do not include live entertainment, dancing or outdoor seating in a public right-of-way
7. In the Rural Residential–Hillside Zoning District: subdivision sales offices, building additions and new accessory buildings of 400 square feet or more
8. In the Downtown Commercial and Community Commercial Zoning Districts: all “permitted uses” (i.e., those that do not require a Planning Commission-approved use permit) that are located within an entry corridor designated in the General Plan
9. Fences, walls and hedges between six and eight feet in height in a required rear or side yard setback area

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

33 On November 15, 2016, staff recommended several amendments to the Zoning Code to
34 the City Council in order to streamline the review process for some of the above
35 entitlements and reduce processing costs. There is also a need to add procedures for
36 reviewing administrative use permits, which are not currently included in the Code. The
37 Council agreed and directed staff to initiate the necessary amendments.

38 **PROPOSED CODE AMENDMENTS**

39 The proposed code amendments are summarized below and shown in detail in Exhibit
40 A of the draft resolution.

- 41 • Create temporary use permit

42 The recent increase in the processing fee has brought to light the fact that it is an
43 excessive charge for administrative use permits involving special events held at
44 restaurants or wine tasting rooms in commercial areas, since these types of
45 applications are routinely approved by Planning Department staff without the need
46 for input from other departments or nearby property owners. The new fee is
47 burdensome and deters business owners from applying for City approval. Therefore,
48 staff proposes to create a “temporary use permit” for these types of events. The
49 seasonal events listed in #1 above would also be included in this permit category.

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

- 53 • Remove administrative use permit requirement for restaurants

54 As noted in #6 above, certain restaurants, bakeries, cafes and similar uses in the
55 Downtown Commercial Zoning District require approval of an administrative use
56 permit. Over the years, City staff has dealt with the opening of many new food
57 establishments, which usually locate in an existing commercial space. Through this
58 experience it has become evident to staff that potential issues that arise are
59 generally the same: parking, water and sewer allocations, bars and live
60 entertainment. While establishments with bars and/or live entertainment do raise
61 issues that warrant discretionary review and public discussion, staff believes that
62 establishments without such uses can be reviewed through established procedures
63 and practices for new businesses, i.e., an occupancy inspection by the Fire
64 Department and approval of a Zoning Clearance by the Planning Department.

- 65 • Remove administrative use permit requirement for Entry Corridors

66 As noted in #8 above, certain properties located at Calistoga’s entrances are
67 designated with Entry Corridor Overlays by the Calistoga General Plan (see
68 Attachment 1). The overlays are intended to enhance its small-town, rural character
69 by interweaving elements of the natural and built environments between primarily
70 agricultural lands in the County and developed lands in the City. Appropriate site
71 layouts, architecture and setbacks are to be used to create an understated visual

72 appearance for development visible from the roadway. There are six designated
73 entry corridors, each of which has brief design guidelines for future development.

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

- 83 • Remove administrative use permit requirement for over-height fences

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

- 91 • Add administrative use permit review requirements

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

- 96 • Revise use permit chapter

97 Chapter 17.40, Use Permits, is proposed to be rescinded and replaced with an
98 updated version. Significant revisions include the following:

- 99 - A purpose statement has been added that explains the basis for requiring use
100 permits under certain circumstances to ensure compatibility with surroundings
101 and allowing for the imposition of conditions of approval.
- 102 - The review responsibilities and processes for the various types of use permits
103 have been clarified.
- 104 - References to the non-existent "minor" use permit have been deleted.
- 105 - Many of the 10 findings required for use permit approval are proposed for
106 deletion because they are unnecessary, are redundant because they are
107 standard requirements for all development (e.g., the requirement for a growth
108 management allocation), or they are inapplicable because they refer to design
109 review.

110 - The revocation procedures section of the chapter has been expanded to add
111 findings for revocation or modification of a use permit.

112 **ENVIRONMENTAL REVIEW**

113 The proposed Zoning Code amendments have been reviewed in accordance with the
114 California Environmental Quality Act and the City has determined that CEQA Guidelines
115 Section 15061(b)(3), the “general rule” exemption, applies because it can be seen with
116 certainty that there is no possibility that the amendments may have a significant effect
117 on the environment. Therefore, the proposed action is exempt from CEQA.

118 **RECOMMENDATION**

119 Adopt a resolution recommending to the City Council approval of amendments to the
120 Zoning Code related to use permits.

121 **ATTACHMENTS**

- 122 1. Draft resolution
- 123 2. Entry Corridor excerpt from Calistoga General Plan
- 124 3. Existing Chapter 17.40, Use Permits