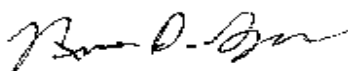


City of Calistoga

Staff Report

TO Honorable Mayor and City Council
FROM Lynn Goldberg, Planning and Building Director
DATE January 7, 2014
SUBJECT Amendments to Title 17, Zoning (ZO 2013-9)
Residential Zoning Districts and Definitions

APPROVAL FOR FORWARDING:



Richard D. Spittler, City Manager

1 **ISSUE:** Consideration of amendments to the Calistoga Municipal Code amending the
2 residential zoning districts (Chapters 17.14-17.19) and Chapter 17.04, Definitions

3 **RECOMMENDATION:** Introduce the Ordinance and waive its first reading.

4 **BACKGROUND:**

5 The Housing Element of the Calistoga General Plan was updated in 2011. It includes a
6 five-year schedule of actions the City committed to undertaking to implement its policies
7 and achieve its goals and objectives. Several of these actions involve amendments to
8 the Calistoga Municipal Code (CMC).

9 The most critical of the amendments, as identified by the State Department of Housing
10 and Community Development, were adopted by the City in 2012. The CMC
11 amendments included in this effort would implement several more actions, specifically
12 those involving residential uses and development standards. (The residential design
13 guidelines currently being prepared and reviewed by the Planning Commission would
14 also implement a Housing Element action.)

15 There is also a need to realign the residential zoning districts with the residential land
16 use designations adopted with the 2003 update of the General Plan. There are currently
17 a number of inconsistencies between the intentions of the designations and the uses
18 that are permitted and conditionally-permitted by the residential zoning districts.

19 Finally, amending the residential zoning districts provides an opportunity to address
20 issues that have been identified over the years.

PROPOSED AMENDMENTS:

21 A summary of the proposed amendments to the residential zoning districts and the
22 reasons for the proposed revisions is provided in Attachment 2.

23 The amendments fall into the following general categories:

- 24 • Implement Housing Element actions
- 25 • Align residential zoning districts with General Plan residential land use
26 designations
- 27 • Bring the Zoning Code into conformance with uses mandated by state law (e.g.,
28 family day care, residential care)
- 29 • Remove ambiguous language regarding allowed uses (e.g., number of dwelling
30 units allowed per lot)
- 31 • Clarify and add development standards (e.g., setbacks for additions to structures
32 in RR-H District, lot coverage in R-2 District, usable open space in R-3 District)
- 33 • Use consistent language among districts
- 34 • Provide purpose statements for districts (i.e., RR, R-1 and R-2 Districts)
- 35 • Implement City policy (e.g., prohibition of vacation rentals)

36 A number of amendments to the Zoning Code's definitions that are related to the above
37 revisions are also recommended.

38 See Attachments 3 and 4 for details of the proposed amendments for each residential
39 zoning district and residential-related definitions. A version of the Zoning Map showing
40 the locations of the various districts is also attached.

41 **ENVIRONMENTAL REVIEW:**

42 The potential environmental impacts of these amendments were previously evaluated
43 by the Environmental Impact Report for the Calistoga General Plan 2003 Update or are
44 exempt from the California Environmental Quality Act (CEQA) under Section
45 15061(b)(3) of the CEQA Guidelines; therefore, no further assessment is required under
46 CEQA.

47 **PLANNING COMMISSION REVIEW:**

48 The Planning Commission recommended approval of the Zoning Code amendments on
49 December 11, 2013 (see Attachments 3 and 4).

50 The Commission also recommended that the City Council consider initiating an
51 amendment to the Medium Density Residential land use designation of the General
52 Plan (Land Use Element) to allow the development of triplexes on large lots (i.e., 13,000
53 square feet or more) in order to promote affordable housing.

ATTACHMENTS:

1. Draft Ordinance
2. Summary of Proposed Amendments to Residential Zoning Districts
3. Detailed Amendments to Residential Zoning Districts
4. Detailed Amendments to Residential-Related Zoning Code Definitions
5. Zoning Map with Residential Zoning Districts
6. Planning Commission Dec. 11, 2013 Draft Minutes excerpt

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING CALISTOGA MUNICIPAL CODE TITLE 17, ZONING, CHAPTERS 17.14 - 17.19 AND CHAPTER 17.04 (ZOA 2013-9)

WHEREAS, adoption of the 2003 Calistoga General Plan created a number of inconsistencies between its residential land use designations and the corresponding residential zoning districts of the Calistoga Municipal Code (CMC) in terms of uses that are permitted and conditionally-permitted; and

WHEREAS, the Housing Element of the Calistoga General Plan that was updated in 2011 includes a five-year schedule of actions the City committed to undertaking to implement its policies and achieve its goals and objectives, and several of these actions involve amendments to the residential zoning districts; and

WHEREAS, a number of uses mandated by state law are not included among the permitted and conditionally-permitted uses of the residential zoning districts; and

WHEREAS, the development standards included in the residential zoning districts as currently worded need to be clarified and expanded; and

WHEREAS, the language regarding permitted and conditionally-permitted uses and development standards as currently worded in the residential zoning districts needs to be consistent to achieve uniformity in the administration of the CMC; and

WHEREAS, purpose statements for several of the residential zoning districts are absent and need to be added in order to provide an overview of the intent of each district; and

WHEREAS, the Planning Commission reviewed the proposed amendments drafted by staff to address the above issues at a public hearing on December 11, 2013, and during its review, considered the public record, including the staff report and findings presented during the hearing; and

WHEREAS, the Planning Commission determined that this action is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

WHEREAS, the Planning Commission adopted Resolution PC 2013-34, recommending that the City Council approve the amendments; and

WHEREAS, the City Council of the City of Calistoga reviewed and considered this ordinance at its meeting on January 7, 2104, noticed in accordance with state and local laws, and which included the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties.

NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE

Findings. The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

SECTION TWO

Amendments. The following sections of Title 17, Zoning, are hereby amended as follows.

1. Chapter 17.04 Definitions is hereby amended as follows, where deleted language is indicated by strikeout and added language is indicated by underlining:

17.04.023 Accessory use.

“Accessory use” shall mean a use that is incidental and subordinate to a principal use on a site and is customarily found on the same site~~detached subordinate building or a subordinate portion of the main building, or any combination thereof,~~ used as a playhouse, woodshed, storeroom, laundry, private garage, or workshop.

17.04.165 Convalescent and congregate care facilities.

“Convalescent and congregate care facilities” shall mean facilities that provide residential care for the elderly or for persons suffering or recovering from an illness who do not require hospitalization, including assisted living facilities and similar facilities. Such facilities may include supporting facilities and services, such as congregate eating facilities, recreational facilities and personal services.

17.04.173 Day care, large family.

~~“Large family day care” shall mean a home which provides family day care, protection and supervision of children for periods of less than 24 hours, for seven to 12 children including those who reside at the home.~~

17.04.174 Day care, small family.

~~“Small family day care” shall mean a home which provides family day care, protection and supervision of children for periods of less than 24 hours, for six or fewer children including those who reside at the home.~~

17.04.185 Duplex.

“Duplex” shall mean a building containing two dwelling units totally separated from each other by an unpierced wall.

17.04.190 Dwelling, multiple-family

~~“Multiple-family dwelling” shall mean a building or portion thereof designed for or used as a residence for two~~containing three or more dwelling units~~families living independently of each other, including apartments, houses, duplexes, and flats, townhouses and condominiums, but not including motels or hotels.~~

17.04.200 Dwelling, one-family

“One-family dwelling” shall mean a detached building designed for and occupied exclusively by one family. “One-family dwelling” includes employee housing for six or fewer persons as provided by California Health & Safety Code Section 17021.5.

17.04.220 Dwelling unit.

“Dwelling unit” shall mean ~~one or more a room or connected rooms used as a residence and~~ constituting a separate and independent housekeeping establishment containing independent cooking and sleeping facilities for occupancy by its owner(s), or by tenants who rent or lease the unit for a period of thirty (30) or more consecutive days.

~~17.04.371 Housing, agricultural employee.~~

~~“Agricultural employee housing” shall mean residential housing whose occupancy is restricted to persons who are employed in raising or harvesting any agricultural commodities. All occupants of the housing unit(s) must be agricultural employees. The housing shall be provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code. Agricultural employee housing is not a business run for profit; it does not differ in any way from a traditional dwelling.~~

Housing, transitional.

“Transitional housing” shall mean ~~a building or buildings configured as rental housing, but~~ operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Public facilities

“Public facilities” shall mean any facility, including, but not limited to, buildings, property, utilities, infrastructure, recreation areas and roads, that are owned, leased, or otherwise operated or funded by a governmental body or public entity.

Religious facilities.

“Religious facilities” shall mean buildings and activities associated with a non-profit organization whose purpose is the inculcation of religious values, and that serves primarily persons who share the religious tenets of the organization.

Transient commercial occupancies of dwelling units.

“Transient commercial occupancies of dwelling units” shall mean the unpermitted commercial use of a dwelling unit for fewer than 30 consecutive days.

2. Chapter 17.14 R-R Rural Residential District is hereby repealed and replaced with the following:

Chapter 17.14

RR RURAL RESIDENTIAL DISTRICT

Sections:

- 17.14.010 Purpose
17.14.020 Uses allowed.
17.14.030 Height limit of buildings and structures.
17.14.040 Minimum development standards.
17.14.050 Other development requirements.

17.14.010 Purpose

The purpose of the RR Rural Residential Zoning District is to allow the development of single-family residences on large lots that serve as a buffer between the agricultural lands around the city and the urbanized part of Calistoga, along with light agricultural uses that are consistent with the Rural Residential land use designation of the Calistoga General Plan. Together with compatible accessory uses, other uses are allowed under certain circumstances in order to offset the cost of preserving large lots in agricultural production.

17.14.020 Uses allowed.

Uses allowed in the RR district are as follows:

- A. Uses allowed without a use permit.
1. One one-family dwelling per lot
 2. One second dwelling unit per lot in accordance with CMC Chapter 17.37
 3. Light agricultural uses, including but not limited to: farms on a commercial scale devoted to the growing of field, tree, berry or bush crops, and vegetable or flower gardens
 4. The keeping of horses for non-commercial purposes on sites with a ratio of not less than one-half acre per horse
 5. Residential care, limited, as defined and operated in accordance with state law
 6. Uses determined by the Planning Commission to be similar in nature as provided by CMC Chapter 17.02
- B. Uses allowed with a use permit.
1. Public or private recreational and educational uses and their necessary facilities, including but not limited to: public parks and playgrounds; schools; colleges; religious institutions; golf, swimming, tennis, polo, civic and country clubs; public facilities
 2. Geothermal activity (exploration, development, and use)

3. Veterinary clinics with boarding facilities, subject to the following:
 - a. The minimum lot size shall be two acres
 - b. Noise shall be mitigated to a level consistent with otherwise permitted uses established in this chapter
 - c. Odors shall be mitigated to a level consistent with otherwise permitted uses established in this Chapter
4. Light agricultural uses including farms on a commercial scale devote to the hatching, raising, fattening, or marketing of animals such as, but not limited to, poultry, rabbits, goats, sheep, pigs; aviaries and kennels; the grazing and experimental or selective breeding or training of cattle or horses; provided, that such use is not a part of, nor conducted as, stock feed or livestock sales yards, or a commercial riding academy located on the same premises
5. Family child care, large, as defined and operated in accordance with state law
6. Residential care, general, as defined and operated in accordance with state law
7. Small scale winery operations producing less than 2,000 cases of wine annually, provided that the following guidelines have been considered prior to use permit approval:
 - a. The parcel size is two acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.
 - c. A minimum of 75 percent of the fruit used to make wine produced on site must be grown within the County of Napa. Of that, a minimum of 20 percent of the wine produced on site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - d. Only one winery shall be permitted on site.
 - e. Public tours and tastings shall be prohibited.
 - f. The number and frequency of private wine marketing events shall be strictly limited and reviewed during the use permit process. Private wine marketing events are limited to a maximum of four events per calendar year. The maximum number of guests allowed at any private wine marketing event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the small winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the new small winery use.

- g. Winery events shall be prohibited. All private wine marketing events shall be held within the confines of the on-site residential unit, the production area of the small winery building, or outside or except as previously defined.
 - h. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises. No merchandise shall be sold.
 - i. The hours of sales shall be by appointment only as reviewed during the use permit process.
 - j. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees shall be specifically invited to participate in the private wine marketing event by the small winery owner/operator.
 - k. All the requirements of CMC Title 19 shall be met.
 - l. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing.
8. Large scale winery operations producing up to 4,000 cases of wine annually; provided that the following guidelines have been considered prior to use permit approval:
- a. The parcel size is four acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.
 - c. Only one winery shall be permitted on site.
 - d. The winery conducts limited public tours and tastings, sells wine-related items or holds private wine marketing events and winery events with a use permit.
 - e. Noise shall be restricted to a decibel level of 55 dba at property boundaries.
 - f. A minimum of 75 percent of the fruit used to make wine produced on site must be grown within the County of Napa. Of that, a minimum of 30 percent of the wine produced on site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - g. The number and frequency of private wine marketing events and winery events shall be strictly limited and reviewed during the use permit process. A maximum of

four events per calendar year may be allowed. The maximum number of guests allowed at any event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the winery use.

- h. All events shall be held within the confines of the on-site residential unit, the production area of the large winery building, or outside.
 - i. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises.
 - j. The hours of public tours and tastings and sales shall be by appointment only as reviewed during the use permit process.
 - k. There can be no advertising in publications produced for general distribution for private wine marketing events or winery events and all attendees shall be specifically invited to participate in an event by the large winery owner/operator.
 - l. All the requirements of CMC Title 19 shall be met.
 - m. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing.
- 9. Bed and breakfast inns and facilities, in accordance with CMC Chapter 17.35
 - 10. Uses determined by the Planning Commission to be similar in nature as provided by the procedures in CMC Chapter 17.02

C. Accessory buildings and uses.

The following accessory buildings and uses are allowed, provided, that no accessory building or use shall be constructed or established prior to the construction of a main building, or on a lot separate from the main building.

- 1. Garages, storage sheds, workshops, pool houses, playhouses, corrals, coops, hutches, pens, stables and similar structures
- 2. Student projects associated with agricultural education
- 3. Home occupations in accordance with CMC Chapter 17.21
- 4. Family child care, small, as defined and operated in accordance with state law

D. Prohibited uses.

The following uses are prohibited in the RR District:

1. Transient commercial occupancies of dwelling units.
2. Other uses not specified in subsections (A) through (C) of this section.

17.14.030 Height limit of buildings and structures.

The height limit of buildings and structures in the RR District shall be 25 feet.

17.14.040 Minimum development standards.

The following standards apply to development within the RR District:

- A. Minimum lot sizes are as follows, except that the maximum allowable density shall be determined by the Rural Residential land use designation of the Calistoga General Plan:
 1. Eighty thousand (80,000) square feet if both on-site water and wastewater disposal are proposed
 2. Forty thousand (40,000) square feet if either on-site water or wastewater disposal is proposed
 3. Twenty thousand (20,000) square feet if City water and wastewater services are provided
- B. Minimum lot width shall be 100 feet.
- C. Minimum lot depth shall be 200 feet.
- D. Setbacks from the property lines for main buildings shall be:
 1. Front yard: 20 feet
 2. Side yard, interior lot (CMC 17.38.040, Exhibit A): 10 feet, except that non-residential uses require a 20-foot setback from a side interior lot line
 3. Street side yard, corner lot (CMC 17.38.040, Exhibit A): 15 feet
 4. Street side yard, reverse corner lot (CMC 17.38.040, Exhibit A): 20 feet
 5. Rear yard: 20 feet
- E. Setbacks for accessory buildings and structures from the property lines and other structures shall be maintained as provided by CMC 17.38.050.
- F. Maximum coverage of lot by structures, including accessory structures, shall be 30 percent.

17.14.050 Other development requirements.

Additional requirements that apply to development in the RR District include, but are not limited to, the following.

- Design Review, per CMC Chapter 17.06
- Affordable Housing, per CMC Chapter 17.08

Off-Street Parking and Loading, per CMC Chapter 17.36
General Provisions and Exceptions, per CMC Chapter 17.38
Use Permits, per CMC Chapter 17.40
Fences, Hedges or Walls, per CMC Chapter 17.52
Highway and Street Setback Requirements, per CMC Chapter 17.56
Requests for Reasonable Accommodation, per CMC Chapter 17.60

3. Chapter 17.15 RR-H Rural Residential: Hillside District is hereby repealed and replaced with the following:

Chapter 17.15

RR-H RURAL RESIDENTIAL - HILLSIDE DISTRICT

Sections:

- 17.15.010 Purpose and general development principles.
17.15.020 Applicability.
17.15.030 Uses allowed.
17.15.040 Height limit of buildings and structures.
17.15.050 Minimum development standards.
17.15.060 Preliminary development plan – Concept phase.
17.15.070 Final development plan – Permit phase.
17.15.080 Density and development standards.
17.15.090 Other development requirements.

17.15.010 Purpose and general development principles.

- A. The purposes of the Rural Residential - Hillside Zoning District are to:
1. Provide for the development of hillside areas in a manner that will preserve the environmental and scenic benefits of these areas and protect development on the hillsides and in surrounding areas;
 2. Promote hillside environmental goals and policies of the Land Use and Open Space and Conservation Elements of the General Plan;
 3. Establish densities and open space areas consistent with adopted area, general or specific plans and provide density increase incentives to create open space;
 4. Maintain an environmental balance consistent with existing vegetation, soils, geology, slopes and drainage patterns and to protect the natural topography, including swales, canyons, knolls, ridge lines, and rock outcroppings;
 5. Avoid development that would result in an unacceptable hazard from fire, flood, land slide or other natural disaster;
 6. Avoid development that results in high public maintenance costs;
 7. Provide for flexible design so that development is concentrated in areas with the greatest environmental carrying capacity.
- B. The following principles and standards are intended to carry out the hillside environment goals and policies of the open space and

conservation element of the General Plan and the stated purpose of this title. All uses in the RR-H District must be found to be consistent with these principles and standards and adopted area, general or specific plans, before any approvals required by this title may be given:

1. The location, orientation and design for building sites, buildings, fences and other structures, and streets and other circulation elements shall maintain and preserve natural topography, cover, significant landmarks and trees, minimize cut and fill, and preserve and enhance views and vistas on and off the subject property. Exceptions to City street standards may be made in order to accomplish these objectives; provided, that such exceptions shall not inhibit access or maneuvering area for emergency vehicles.
2. The design of buildings, fences and other structures shall be in harmony with and enhance natural site characteristics in regard to height, bulk, textures, color, reflective properties, roof characteristics and setbacks.
3. In those areas where approval is given to disturb or remove natural vegetation and ground cover, natural ground covers and other surfacing shall be installed and a system designed for perpetual maintenance and care. All landscaping, ground covering, and other surfacing shall be in harmony with the natural site characteristics.

17.15.020 Applicability.

The RR-H District may be applied to properties or portions of properties that are part of a hillside, hilly or mountainous area, ridgetop or plateau, where a slope greater than five percent exists on the property, and as designated on the official zoning map of the City.

17.15.030 Uses allowed.

Uses allowed in the RR-H District are as follows:

- A. Uses allowed without a use permit.
 1. Small-scale agriculture, horticulture, and gardens, commercial vineyards and orchards not larger than two acres in area
 2. Uses determined by the Planning Commission to be similar in nature as provided by CMC Chapter 17.02
- B. Uses allowed by a use permit.
 1. One one-family dwelling per lot
 2. One second dwelling unit per lot in accordance with CMC Chapter 17.37
 3. Bed and breakfast inns and facilities, in accordance with CMC Chapter 17.35

4. Family child care, small or large, as defined and operated in accordance with state law
 5. Religious institutions
 6. Public facilities
 7. Geothermal activity (exploration, development and land use)
 8. Uses determined by the Planning Commission to be similar in nature as provided by CMC Chapter 17.02.
- C. Uses requiring an administrative use permit
1. Subdivision sales office in conjunction with an approved subdivision
 2. Building additions of 400 square feet or more
 3. New accessory buildings or structures of 400 square feet or more on a parcel that is already developed with a primary use
- D. Allowed accessory uses and structures.
1. Fences, corrals, coops, hutches, pens, garages, stables, storage sheds and similar structures, provided that no accessory building shall be constructed prior to the construction of a main building, nor on a lot separate from the main building.
 2. Raising of chickens, or similar poultry, and rabbits and raising of livestock, for private use; provided, that not more than one large domestic animal (such as a horse, mule, cow, steer or sheep) shall be kept for each one-half acre of grazing land
 3. Student projects associated with agricultural education
 4. Home occupations as permitted by CMC Chapter 17.21
- D. Prohibited uses.
- Uses prohibited in the RR-H District are as follows:
1. Commercial uses, including but not limited to retail or wholesale nurseries or tree farms, or the raising of animals for commercial purposes
 2. Transient commercial occupancies of dwelling units
 3. Other uses not specified in subsections (A) through (C) of this section.

17.15.040 Height limit of buildings and structures.

- A. The height limits of new primary buildings and structures in the RR-H District shall be determined by use permit.
- B. The height limits of additions to primary buildings shall be 25 feet unless a greater height is approved by a use permit.

17.15.050 Minimum development standards.

The following standards apply to development within the RR-H District:

- A. Minimum setbacks
 - 1. Setbacks from the property lines for additions to primary buildings that existed prior to the establishment of the RR-H District shall be:
 - a. Front yard: 20 feet
 - b. Street side yard, corner lot (CMC 17.38.040, Exhibit A): 15 feet
 - c. Street side yard, reverse corner lot (CMC 17.38.040, Exhibit A): 20 feet
 - d. Side yard, interior lot (CMC 17.38.040, Exhibit A): 10 feet, except that non-residential uses require a 20-foot setback from a side interior lot lines
 - e. Rear yard: 20 feet.
 - 2. Minimum front, side, and rear yard setback requirements for primary structures related to the development of a vacant lot, or for a new primary structure on a previously-developed lot, shall be determined by use permit in accordance with the development principles and standards of CMC 17.15.010.
 - 3. Setbacks from the property lines and other structures for accessory buildings and structures shall be maintained as provided by CMC 17.38.050.
- B. The yard setback requirements, in combination with height limit requirements, shall define a volume of space called the lot's building envelope within which all building structures shall be constructed.
- C. The maximum lot coverage of each lot shall be 40 percent.
- D. Each lot shall be provided with a minimum amount of accessible, usable, and private open space equal to 25 percent of the floor area of the house. Usable open space shall be defined as areas covered by grass, dirt or natural vegetation; outdoor patios; decks; swimming pools and game courts. Heavily-landscaped areas not normally expected to be walked upon, driveways, parking spaces, and yard or open space areas having a slope greater than 10 percent shall not be credited towards the minimum open space. Walkways, stairs, steps and the like can be credited as open space at the discretion of the Planning Commission or Planning and Building Department.

17.15.060 Preliminary development plan – Concept phase.

- A. Prior to the use permit approval, applicants shall submit a preliminary development plan to the Planning Commission for approval in principle. The purpose of the preliminary development plan is to determine quickly and inexpensively if an applicant has a desirable hillside development project. This approval shall be limited to the general acceptability of the land uses, specific uses and densities proposed, and interrelationships.

- B. A preliminary development plan shall be defined as a review of all land uses proposed, including site plans and drawings to adequately describe the proposed development plan concept, including its architectural character. The preliminary development plan may also include additional conceptual information such as existing and proposed grades, building footprints, exterior elevations, circulation and parking, and major landscape features.
- C. The Planning Commission shall hold one or more public hearings on the preliminary development plan in accordance with the procedure set forth in Chapter 17.40 CMC. The Planning Commission may deny the preliminary development plan as submitted, or approve the plan in concept subject to specific amendments or conditions.
- D. A preliminary development plan shall be accompanied by an initial study to outline potential adverse environmental impacts of a proposed hillside development project. An environmental impact report, if required, shall accompany the final development plan.
- E. The preliminary development plan shall include the following:
 - 1. Legal description of subject property
 - 2. Proposed land uses showing general locations of all buildings and proposed specific uses
 - 3. Delineation on the site and for the adjacent properties within a 300-foot radius of the subject property of the following: significant natural features such as trees, rock outcroppings, drainage courses and topography shown on contour maps with contour intervals not to exceed five feet
 - 4. A tabulation of the total land area and percentage thereof designated for various uses
 - 5. General circulation pattern indicating both public and private vehicular and pedestrian ways
 - 6. Relationship of present and future land uses to the surrounding area and to the general plan
 - 7. A preliminary report indicating provisions for storm drainage, sewage disposal, grading and public utilities
 - 8. Delineation of development phasing, if any
 - 9. A preliminary evaluation of the vegetation, soils, geology and hydrology of the area including the downstream effects of development and methods for preventing on-site slippage and erosion
 - 10. A visual analysis of the property as it relates to the existing and proposed setting; a characterization of the significant visual elements of the land (and parts thereof) in terms of scale, form, color, visual amenity and relation to surrounding terrain

11. Preliminary plans for preserving natural features, including vegetation, during construction and in perpetuity
12. Preliminary report on methods for minimizing grading of building sites and streets and indicating where natural materials will be deposited and removed
13. A conceptual landscaping plan
14. Statement of conditions for ultimate ownership and maintenance of all parts of the development including streets, structures and open spaces
15. Any additional information which may be required to determine if the contemplated arrangement of uses is consistent with the hillside environmental goals and policies of the open space and conservation element of the General Plan and the provisions of this Title

17.15.070 Final development plan – Permit phase.

- A. The purpose of the final development plan/use permit approval phase is to describe with considerable detail the site planning, architectural and landscaping components of an approved preliminary development plan. The level of detail required for final plans shall be that which would be required for a building permit submittal. In instances where proposed hillside developments are relatively small (i.e., one single-family dwelling), both the preliminary development plan and the final development plan can be consolidated into one review phase.
- B. The final development plan shall include all the components of a preliminary plan in greater detail.
- C. An environmental impact report, if required, shall be approved prior to approval of a final development plan and use permit.

17.15.080 Density and development standards.

- A. The minimum land area required per dwelling unit in any RR-H zone shall be determined by the following slope regulations:

For the purpose of this section, the average slope of a lot or parcel shall be determined according to the formula:

$$S = \frac{0.0023 IL}{A}$$

where:

S is the average slope in percent;

I is the contour interval in feet;

L is the combined length of contour lines in feet;

A is the gross area in acres of the parcel or lot as applicable.

- B. In measuring the slope, a topographic base map prepared by the United States Geological Service (USGS) or similar map as approved by the City

Engineer shall be used. Contour measurement shall be made at contour intervals no more than 10 feet.

- C. Each individual lot resulting from the proposed subdivision of hillside land shall require an average slope (S) calculation. No average slope for an individual lot shall exceed 30 percent. Existing legal lots of record with greater than 30 percent slope shall be allowed to contain only one dwelling unit.
- D. In calculating the average percent of slope, any part of a parcel may be excluded from the calculation if requested by the owner and the Planning Commission so elects. However, in calculating allowable land use densities applicable to the parcel, only the land used in the slope calculation shall be used. If land is excluded from the calculation of density, the land must remain undeveloped and a deed restriction recorded.
- E. The minimum land area per dwelling unit shall not be less than "a" as determined by the formula, where "S" is the average slope of a lot or a parcel not exceeding 30 percent:

$$a = \frac{1}{1.089 - 0.017798S}$$

- F. Minimum lot sizes shall also be determined in additional ways:
 - 1. Except for clustered development designs, minimum lot sizes shall be determined by the Planning Commission to range from 40,000 square feet to 200,000 square feet depending on the availability of City sewer and water services, as indicated in the General Plan.
 - 2. Clustered development designs, as encouraged in the General Plan and as allowed to provide incentives to create open space, may contain smaller lot sizes when determined appropriate by the Planning Commission. In any other instances where it might be unclear what is the minimum lot size allowed, the Planning Commission shall make that determination.
- G. Lands in excess of an average slope of 30 percent shall be shown on subdivision maps in either of two ways:
 - 1. As permanent open space shown on all maps maintained by a homeowner association, open space association, some other type of district, or other similar organization as approved by the Planning Commission; or
 - 2. As land included within the designated subdivision lots (those lots with average slopes of 30 percent or less). The area of lands over 30 percent average slope cannot be used in any area or density calculations with those lands of slopes 30 percent or under (see subsection (D) of this section).

17.15.090 Other development requirements.

Additional requirements that apply to development in the RR-H District include, but are not limited to, the following.

- Design Review, per CMC Chapter 17.06
- Affordable Housing, per CMC Chapter 17.08
- Off-Street Parking and Loading, per CMC Chapter 17.36
- General Provisions and Exceptions, per CMC Chapter 17.38
- Use Permits, per CMC Chapter 17.40
- Fences, Hedges or Walls, per CMC Chapter 17.52
- Highway and Street Setback Requirements, per CMC Chapter 17.56
- Requests for Reasonable Accommodation, per CMC Chapter 17.60
- Trees, per Chapter 19.01
- Conservation Regulations, per Chapter 19.08

4. Chapter 17.16 R-1 Single-Family Residential District is hereby repealed and replaced with the following:

Chapter 17.16

R-1 AND R-1-10 ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

- 17.16.010 Purpose.
- 17.16.020 Uses allowed.
- 17.16.030 Height limit of buildings and structures.
- 17.16.040 Minimum development standards.
- 17.16.050 Other development requirements.

17.16.010 Purpose

The purpose of the R-1 and R-1-10 One-Family Residential Zoning Districts is to allow the development of single-family and special needs residential uses that are consistent with the Calistoga General Plan and state law, in a manner that provides generous private open space and setbacks. Together with compatible accessory uses, other uses that are compatible with single-family residential neighborhoods are allowed under certain circumstances.

17.16.020 Uses allowed.

Uses allowed in the R-1 and R-1-10 Districts are as follows:

- A. Uses allowed without a use permit.
 - 1. One one-family dwelling per lot
 - 2. One second dwelling unit on a lot with a one-family dwelling in accordance with CMC Chapter 17.37
 - 3. Supportive housing
 - 4. Transitional housing
 - 5. Residential care, limited, as defined and operated in accordance with state law
 - 6. Uses determined by the Planning Commission to be similar in nature, as provided by CMC Chapter 17.02

B. Uses requiring a use permit.

1. Family child care, large, as defined and operated in accordance with state law
2. Bed and breakfast inns and facilities, in accordance with CMC Chapter 17.35
3. Religious institutions
4. Public or private schools
5. Public facilities
6. Temporary subdivision sales offices in conjunction with an approved subdivision
7. Private recreational facilities for which a membership charge may be made but which are not open to the general public
8. Geothermal activity (exploration, development, and use)
9. Residential care, general, as defined and operated in accordance with state law
10. Uses determined by the Planning Commission to be similar in nature as provided in CMC Chapter 17.02

C. Allowed accessory buildings and uses.

The following accessory buildings and uses are allowed, whose use is clearly incidental and subordinate to the primary use, provided that no accessory building or use shall be constructed or established prior to the construction of a primary building, or on a lot separate from the primary building.

1. Garages, storage sheds, workshops, pool houses, playhouses and similar structures
2. Home occupations, in accordance with CMC Chapter 17.21
3. The keeping of household pets
4. Family child care, small, as defined and operated in accordance with state law

D. Prohibited uses.

The following uses are prohibited in the R-1 and R-1-10 Districts:

1. Transient commercial occupancies of dwelling units
2. Other uses not specified in subsections (A) through (C) of this section

17.16.030 Height limit of buildings and structures.

The height limit of buildings and structures in the R-1 and R-1-10 Districts shall be 25 feet.

17.16.040 Minimum development standards.

The following standards apply to development within the R-1 and R-1-10 Districts:

- A. Minimum lot area and minimum lot dimensions in the R-1 District are as follows:
 1. Corner lots: 7,000 square feet
 2. Interior lots: 6,000 square feet
 3. Lot width: interior, 60 feet; corner, 70 feet
 4. Lot depth: 100 feet
- B. Minimum lot area and minimum lot dimensions in the R-1-10 District are as follows:
 1. Corner lots: 12,000 square feet
 2. Interior lots: 10,000 square feet
 3. Lot width: interior lot, 100 feet; corner lot, 120 feet
 4. Lot depth: 100 feet
- C. Setbacks from the property lines for principal buildings are as follows:
 1. Front yard: 20 feet
 2. Side yards

Side yards shall be not less than one-half the height of the building, provided that:

 - a. The interior side yard for a one-story building the height of which is less than 15 feet shall not be required to be more than five feet
 - b. An interior side yard shall be not less than five feet nor be required to be more than 15 feet
 - c. The side yard for a corner lot (CMC 17.38.040, Exhibit A) shall be not less than 15 feet
 - d. The side yard for a reverse corner lot (CMC 17.38.040, Exhibit A) shall be not less than 20 feet
 3. Rear yard: 20 feet
- D. Setbacks for accessory buildings and structures.
 1. Setbacks for accessory buildings and structures from the property lines and other structures shall be maintained as provided by CMC 17.38.050.

2. Notwithstanding subsection (1) of this section, for garages and carports opening onto a street, the minimum distance between the opening of such garage or carport and the lot line shall be 20 feet.
- E. The maximum coverage of a lot by structures, including accessory structures, shall be 30 percent, except as provided by CMC 17.38.050.

17.16.050 Other development requirements.

Additional requirements that apply to development in the R-1 and R-1-10 Districts include, but are not limited to, the following.

- Design Review, per CMC Chapter 17.06
- Affordable Housing, per CMC Chapter 17.08
- Off-Street Parking and Loading, per CMC Chapter 17.36
- General Provisions and Exceptions, per CMC Chapter 17.38
- Use Permits, per CMC Chapter 17.40
- Fences, Hedges or Walls, per CMC Chapter 17.52
- Highway and Street Setback Requirements, per CMC Chapter 17.56
- Requests for Reasonable Accommodation, per CMC Chapter 17.60

5. Chapter 17.18 R-2 Multiple-Family Residential District is hereby repealed and replaced with the following:

Chapter 17.18

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.18.010 Purpose.
- 17.18.020 Uses allowed.
- 17.18.030 Height limit of buildings and structures.
- 17.18.040 Minimum development standards.
- 17.18.050 Other development requirements.

17.18.010 Purpose

The purpose of the R-2 Two-Family Residential Zoning District is to allow the development of single-family, duplex and special needs residential uses that are consistent with the Calistoga General Plan and state law, in a manner that provides generous private open space and setbacks. Together with compatible accessory uses, other uses that are compatible with single-family residential neighborhoods are allowed under certain circumstances.

17.18.020 Uses allowed.

Uses allowed in the R-2 District are as follows:

- A. Uses allowed without a use permit.
 1. One one-family dwelling per lot
 2. One second dwelling unit on a lot with a one-family dwelling in accordance with CMC Chapter 17.37
 3. One duplex or two one-family dwellings on a lot of at least 9,000 square feet

4. Supportive housing
 5. Transitional housing
 6. Residential care, limited, as defined and operated in accordance with state law
 7. Uses determined by the Planning Commission to be similar in nature, as provided by CMC Chapter 17.02
- B. Uses requiring a use permit.
1. Family child care, large, as defined and operated in accordance with state law
 2. Bed and breakfast inns and facilities, in accordance with Chapter CMC 17.35
 3. Residential care, general, as defined and operated in accordance with state law
 4. Religious institutions
 5. Public and private schools
 6. Public facilities
 7. Private recreational facilities for which a membership charge may be made, but which are not open to the general public
 8. Geothermal activity (exploration, development and use)
 9. Uses determined by the Planning Commission to be similar in nature as provided in CMC Chapter 17.02.
- C. Allowed accessory uses and structures.
- The following accessory buildings and uses are allowed, whose use is clearly incidental and subordinate to the primary use, provided that no accessory building or use shall be constructed or established prior to the construction of a primary building, or on a lot separate from the primary building;
1. Garages, storage sheds, workshops, pool houses, playhouses and similar structures
 2. Home occupations, in accordance with Chapter 17.21 CMC
 3. The keeping of household pets
 4. Family child care, small, as defined and operated in accordance with state law
- D. Prohibited uses.
- The following uses are prohibited in the R-2 District:
1. Transient commercial occupancies of dwelling units
 2. Other uses not specified in subsection (A) through (C) of this section

17.18.030 Height limit of buildings and structures.

The height limit of buildings and structures in the R-2 District shall be 25 feet.

17.18.040 Minimum development standards.

The following standards apply to development within the R-2 District:

- A. Minimum lot area and minimum lot dimensions in an R-2 District are as follows:
1. Corner lot area: 10,000 square feet
 2. Interior lot area: 9,000 square feet
 3. Lot width: interior, 90 feet; corner, 100 feet
 4. Lot depth: 100 feet
- B. Setbacks for main buildings are as follows:
1. Front yard: 20 feet
 2. Side yards shall be not less than one-half the height of the building, provided that:
 - a. The interior side yard for a one-story building the height of which is less than 15 feet shall not be required to be more than five feet
 - b. An interior side yard shall be not less than five feet nor be required to be more than 15 feet
 - c. The side yard for a corner lot (CMC 17.38.040, Exhibit A) shall be not less than 15 feet
 - d. The side yard for a reverse corner lot (CMC 17.38.040, Exhibit A) shall be not less than 20 feet
 3. Rear yard: 20 feet.
- C. Setbacks for accessory buildings and structures.
1. Setbacks for accessory buildings and structures from the property lines and other structures shall be maintained as provided by CMC 17.38.050.
 2. Notwithstanding subsection (1) of this section, for garages and carports opening onto a street, the minimum distance between the opening of such garage or carport and the lot line shall be 20 feet.
- D. Maximum lot coverage.
- The maximum coverage of a lot by structures, including accessory structures, shall be 40 percent.

17.18.050 Other development requirements.

Additional requirements that apply to development in the R-2 District include, but are not limited to, the following.

Design Review, per CMC Chapter 17.06
Affordable Housing, per CMC Chapter 17.08
Off-Street Parking and Loading, per CMC Chapter 17.36
General Provisions and Exceptions, per CMC Chapter 17.38
Use Permits, per CMC Chapter 17.40
Fences, Hedges or Walls, per CMC Chapter 17.52
Highway and Street Setback Requirements, per CMC Chapter 17.56
Requests for Reasonable Accommodation, per CMC Chapter 17.60

6. Chapter 17.19 R-3 Residential/Professional Office District is hereby repealed and replaced with the following:

Chapter 17.19

R-3 MULTI-FAMILY RESIDENTIAL/OFFICE DISTRICT

Sections:

- 17.19.010 Purpose and intent.
17.19.020 Uses allowed.
17.19.030 Height limit of buildings and structures.
17.19.040 Minimum development standards.
17.19.050 Other development requirements.

17.19.010 Purpose and intent.

The intent of the R-3 Multi-Family/Office District is to increase the diversity and affordability of housing stock in Calistoga by providing housing close to downtown services and to provide convenient access to professional office uses for residents and businesses, while ensuring that care is taken to preserve the character of existing neighborhoods.

17.19.020 Uses allowed.

Uses allowed in the R-3 District are as follows:

- A. Uses allowed without use permit.
1. Multi-family dwellings
 2. Supportive housing
 3. Transitional housing
 4. Residential care, limited, as defined and operated in accordance with state law
 5. Uses determined by the Planning Commission to be similar in nature, as provided by CMC Chapter 17.02
- B. Uses requiring a use permit.
1. Bed and breakfast inns and facilities with, in accordance with CMC Chapter 17.35
 2. Family child care, large, as defined and operated in accordance with state law
 3. Convalescent and congregate care facilities

4. Religious institutions
5. Public and private schools
6. Public facilities
7. Offices
8. One or more dwelling units accessory to a primary on-site office use
9. Geothermal activity (exploration, development and use)
10. Uses determined by the Planning Commission to be similar in nature, as provided by the procedures in CMC Chapter 17.02

C. Accessory buildings and uses.

The following accessory buildings and uses are allowed, provided that no accessory building or use shall be constructed or established prior to the construction of the primary building nor on a lot separate from the primary building.

1. Garages, carports, storage buildings, pool houses, club houses, on-site management offices and similar structures
2. Home occupations in accordance with CMC Chapter 17.21
3. The keeping of household pets
4. Family child care, small, as defined and operated in accordance with state law

D. Prohibited uses.

The following uses are prohibited in the R-3 District:

1. Transient commercial occupancies of dwelling units
2. Other uses not specified in subsections (A) through (C) of this section

17.19.030 Height limit of buildings and structures.

- A. The height limit of primary buildings and structures in the R-3 District shall be 25 feet.
- B. Accessory structures shall be limited to 15 feet in height.

17.19.040 Minimum development standards.

The following standards apply to development within the R-3 District.

- A. Minimum lot area shall be:
 1. Corner lots: 10,000 square feet
 2. Interior lots: 9,000 square feet
- B. Minimum lot width shall be:
 1. Corner lots: 100 feet

2. Interior lots: 90 feet
- C. Minimum lot depth shall be 120 feet.
- D. The maximum coverage of a lot by structures shall be 40 percent.
- E. The maximum floor area ratio for office uses shall be .80.
- F. Minimum setbacks for main buildings shall be:
 1. Front yard: 15 feet
 2. Side yards shall be not less than one-half the height of the building, provided, that:
 - a. The interior side yard for a one-story building the height of which is less than 15 feet shall not be required to be more than five feet
 - b. An interior side yard shall be not less than five feet nor be required to be more than 15 feet
 - c. The side yard for a corner lot (CMC 17.38.040, Exhibit A) shall be not less than 15 feet
 - d. The side yard for a reverse corner lot (CMC 17.38.040, Exhibit A) shall be not less than 20 feet
 3. Rear yard: 10 feet for one-story buildings, 15 feet for two-story buildings
- G. Minimum setbacks for accessory buildings
 1. For garages and carports opening onto a street, the minimum distance between the opening of such garage or carport and the lot line shall be 20 feet.
 2. Setbacks from the property lines for accessory buildings and structures shall be as provided in CMC 17.38.050.
- H. A minimum of 300 square feet of usable open space shall be provided for each dwelling unit, subject to the following location and design criteria:
 1. Required open space may be group (common) and/or private open space.
 2. Each square foot of private open space shall be considered the equivalent of two square feet of group open space and may be so substituted.
 3. Private open space located at ground level shall have a minimum area of 150 square feet.
 4. Private open space shall be adjacent to the dwelling unit being served.
 5. The minimum dimension in any one direction for any group open space shall be 15 feet.

6. Up to 20 percent of the required open space may be a garden, balcony, deck, or similar usable open space feature located on the roof of a building other than an attached garage or carport.
7. Up to 50 percent of ground level open space may be covered by an overhang or balcony.
8. All required open space shall be planted or shall have a dust-free surface, such as concrete, landscape pavers or similar material.
9. No required open space shall be located in a parking area, driveway, service area or required front yard area.
10. No required open space shall have a slope greater than eight percent.

17.19.050 Other development requirements.

Additional requirements that apply to development in the R-3 District include, but are not limited to, the following:

- Design Review, per CMC Chapter 17.06
- Affordable Housing, per CMC Chapter 17.08
- Off-Street Parking and Loading, per CMC Chapter 17.36
- General Provisions and Exceptions, per CMC Chapter 17.38
- Use Permits, per CMC Chapter 17.40
- Fences, Hedges or Walls, per CMC Chapter 17.52
- Highway and Street Setback Requirements, per CMC Chapter 17.56
- Requests for Reasonable Accommodation, per CMC Chapter 17.60

SECTION THREE

Environmental Review. This action is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

SECTION FOUR

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION FIVE

Effective Date.

THIS ORDINANCE shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City of Council meeting of the 7th day of January, 2014, and was passed and adopted at a regular meeting of the Calistoga City Council on the ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chris Canning, Mayor

ATTEST:

Kathy Flamson, Deputy City Clerk