

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2014-\_\_**

**RECOMMENDING TO THE CITY COUNCIL THE DELETION OF CERTAIN DEFINITIONS FROM CALISTOGA MUNICIPAL CODE CHAPTER 17.04, DEFINITIONS, AND THE RESCISSION AND REPLACEMENT OF CHAPTER 17.37, SECOND DWELLING UNITS (ZOA 2014-4)**

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WHEREAS, the City of Calistoga desires to encourage the construction of second dwelling units as an efficient means of increasing the city's affordable housing stock; and

WHEREAS, the City encourages their construction through certain incentives but very few second units have been constructed in the City; and

WHEREAS, Calistoga Municipal Code Chapter 17.37, Second Dwelling Units, contains a number of regulations that do not appear to be warranted and therefore unnecessarily constrain the development of second units, as well as redundant and unnecessary provisions and wording; and

WHEREAS, Housing Element Action 1.2-2 calls for the consideration of amendments to the Zoning Code's regulations to minimize the constraints on the construction of second dwelling units; and

WHEREAS, Chapter 17.04, Definitions, contains several definitions related to second dwelling units that are unnecessary and cause confusion; and

WHEREAS, the Planning Commission reviewed the revised Chapter 17.37 at a public hearing on November 26, 2014, and during its review, considered the public record, including the staff report, findings, and written materials and testimony presented by the public during the hearing; and

WHEREAS, the Planning Commission has 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 amendments may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that, based on the above findings, it is recommended that the City Council:

1. Delete from Zoning Code Chapter 17.04, Definitions, the following definitions; Section 17.04.025 Accessory dwelling unit, Section 17.04.025 Granny unit and Section 17.04.626 Second dwelling unit permit.
2. Rescind and replace Chapter 17.37, Second Dwelling Units, as shown in Exhibit A attached hereto and incorporated herein.

APPROVED AND ADOPTED on November 26, 2014 by the following vote of the Calistoga Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jeff Manfredi, Chair

ATTEST: \_\_\_\_\_  
Lynn Goldberg  
Secretary to the Planning Commission

Exhibit A

**Chapter 17.37  
SECOND DWELLING UNITS**

Sections:

- 17.37.010 Purpose.
- 17.37.020 Permit requirements.
- 17.37.030 General provisions.
- 17.37.040 Design standards.
- 17.37.050 Nonconforming second dwelling units.

**17.37.010 Purpose.**

It is the purpose of this chapter to provide for second dwelling units as an form of potential affordable housing without substantially changing the physical or architectural character of the neighborhood in which they are located, and without impinging upon the privacy of surrounding neighbors. To ensure the public health, safety and general welfare of the community, this chapter establishes criteria to ensure that these units will conform to certain development standards. In accordance with Government Code Section 65852.2, this chapter shall not be considered in the application of any local ordinance, policy or program to limit residential growth, and does not propose to preclude the creation of second dwelling units or serve as the basis for denial of a building permit.

**17.37.020 Permit requirements.**

- A. Permits required. Second dwelling units shall be approved by one of the following methods, as appropriate.
  - 1. An administrative use permit shall be required in all areas within the city whose zoning allow second dwelling units as a permitted use.
  - 2. A use permit shall be required in all areas within the city whose zoning allows second dwelling units with a use permit.
- B. Written notice of an application for an administrative use permit or use permit for a second dwelling unit shall be mailed to all property owners within 300 feet of the proposed unit. Such notice shall be given not less than 10 days before the date the application is scheduled for a decision by the Planning and Building Director or a public hearing by the Planning Commission.
- C. The Planning and Building Director or the Planning Commission shall approve the administrative use permit or use permit application for a second dwelling unit if all of the requirements of CMC 17.37.050 and 17.37.060 have been satisfied, and if any concerns of neighboring

property owners determined to be valid by the decision-making authority have been addressed.

**17.37.030 General provisions.**

The following standards shall apply to second dwelling units.

- A. One second dwelling unit is permitted on a lot.
- B. A second dwelling unit shall not be sold separately from the primary dwelling unit and no subdivision of land or air rights is authorized by this Chapter.
- C. A second dwelling unit may be rented or leased, provided that it is rented or leased for periods of 30 consecutive days or more.
- D. Where a second unit is detached from the primary unit, the utility services, including water, sewer and electricity, shall be separately metered from the primary dwelling.
- E. The floor area of the second dwelling unit shall not be less than 300 square feet or exceed 750 square feet.
- F. A second dwelling unit may not have more than one bedroom.
- G. A detached second dwelling unit or a second dwelling unit attached to a primary dwelling unit shall comply with the same setback and height requirements as for principal buildings, except that a detached second dwelling unit not more than 15 feet in height may maintain a 10-foot rear yard setback.
- H. The maximum coverage of a lot as provided in the applicable zoning district may be exceeded as provided by CMC 17.38.050 in order to accommodate a second dwelling unit.
- I. A detached second dwelling unit shall be located a minimum of six feet from the primary dwelling unit, and within three feet of the eaves of the primary dwelling unit.

**17.37.040 Design standards.**

The following design standards apply to second dwelling units.

- A. The second dwelling unit shall be compatible with the roof slope, exterior materials, colors and design of windows, doors and landscaping of the primary dwelling.
- B. The window and door openings of a second dwelling unit shall be designed applying methods that will minimize privacy intrusion for dwellings on adjacent properties, such as the following: windows with obscured glazing and a 62-inch windowsill height; windows and doors horizontally off-set from adjacent dwellings by at least 10 feet;

maintaining a distance of at least 10 feet between doors and windows of adjacent dwellings; installing dense, evergreen landscaping and/or fencing between the unit and dwellings on adjacent properties.

- C. Second dwelling units shall minimize impacts on neighboring properties' scenic views of ridge lines and hilltop areas.

**17.37.050 Nonconforming second dwelling units.**

Second dwelling units legally constructed prior to adoption of the provisions contained in this Title shall be considered nonconforming and subject to the provisions of Chapter 17.44 CMC pertaining to nonconforming uses and structures. Second dwelling units that were created without approval under applicable laws in place at the time of construction shall be subject to enforcement.

