

**CITY OF CALISTOGA
PLANNING COMMISSION
PC RESOLUTION 2015-__**

RECOMMENDING THAT THE CITY COUNCIL AMEND THE CALISTOGA MUNICIPAL CODE TO RESCIND CHAPTER 17.22 COMMERCIAL LAND USE DISTRICTS AND CHAPTER 17.28 DESIGN DISTRICT AND ADOPT CHAPTER 17.21, DC DOWNTOWN COMMERCIAL DISTRICT AND CHAPTER 17.22, CC COMMUNITY COMMERCIAL DISTRICT (ZOA 2015-2)

WHEREAS, the Downtown Commercial and Community Commercial Zoning Districts are currently included in a single Zoning Code chapter, which is cumbersome to use, and separating the districts into individual chapters would facilitate their use and conform to the approach used throughout the Code; and

WHEREAS, there is a need to add purpose and intent statements for each district and include references to the applicability of relevant policies of the General Plan's Community Identity Element and the Character Areas, Gateways and Entry Corridors of the Land Use Element; and

WHEREAS, there is a need to revise the districts to bring them into conformity with amendments that have been made to several General Plan elements since the districts' original adoption; and

WHEREAS, there is a need to delete the use permit requirement for modifications to existing structures that result in an increase in the number of leasable spaces because there is no clear justification for this requirement and it is an impediment to the addition of new businesses; and

WHEREAS, the DD Design District should be deleted because it is duplicative of provisions included in each of the new proposed zoning districts as well as existing design review requirements, and

WHEREAS, the Planning Commission reviewed the proposed amendments at a public hearing on June 10, 2015, and during its review, considered the public record, including the staff report, findings, and any written materials and testimony presented by the public during the hearing; and

WHEREAS, the Planning Commission has determined that the proposed amendments are 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 they 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 amend the Calistoga Municipal Code as follows:

1. Rescind Chapter 17.22 Commercial Land Use Districts
2. Rescind Chapter 17.28 Design District

3. Adopt Chapter 17.21, DC Downtown Commercial District and Chapter 17.22, CC Community Commercial District as shown in Exhibit A hereto.
4. Renumber existing Chapter 17.21, Home Occupations to Chapter 17.43
5. Change references from “general commercial district” to “commercial zoning districts” in the following CMC sections:
 - 17.58.060(B)(2)(a) – Signs chapter
 - 17.04.380 – Definition of “inn”

APPROVED AND ADOPTED on June 10, 2015 by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeff Manfredi, Chair

ATTEST: _____
Lynn Goldberg, Secretary

Exhibit A

Chapter 17.21

DC DOWNTOWN COMMERCIAL DISTRICT

Sections:

- 17.21.010 Purpose and intent
- 17.21.020 Permitted primary uses
- 17.21.030 Conditionally-permitted uses
- 17.21.040 Accessory uses
- 17.21.050 Prohibited uses
- 17.21.060 Development standards
- 17.21.070 General regulations

17.21.010 Purpose and intent

The Downtown Commercial (DC) District is intended to implement the Downtown Commercial Land Use Designation of the General Plan. It provides an area for a broad range of uses that generate high pedestrian traffic and which do not have large space requirements.

Mixed residential-commercial uses are an important component of the DC District to ensure an economically- and socially-vibrant downtown that is intended for, and enjoyed by, residents and visitors alike. Except for visitor accommodations and live-work units, all newly-constructed floor area located above a first floor is encouraged to be for resident-serving commercial uses and/or residential.

In order to maintain and enhance Calistoga's small-town character and the urban design quality of the downtown, development in the DC District shall be guided by relevant policies of the General Plan's Community Identity Element and the Character Areas, Gateways and Entry Corridors of the Land Use Element.

17.21.020 Permitted primary uses

- A. The following primary uses are permitted in the DC District, except that an administrative use permit pursuant to CMC Chapter 17.40 is required when the use is located within an Entry Corridor designated in the General Plan.
 - 1. Retail uses, including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales; furniture sales; audio-video stores; florists; frame shops; bookstores; clothing and apparel shops; gift shops; sales of household goods and appliances; and hobby and craft shops
 - 2. Art galleries
 - 3. Antique stores
 - 4. Service uses, including, but not limited to: dry cleaning, not including processing plants; laundromats; tailors; shoe repair; bicycle repair; repair of household goods and appliances

5. Personal service establishments, such as spas, health clubs, beauty salons, and barbershops
6. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors
7. Medical and dental clinics
8. Banks and financial institutions without drive-up or walk-up facilities
9. Restaurants, bakeries, cafés and similar uses, with or without outdoor seating, pursuant to the following:
 - a. The proposed establishment meets all of the following criteria:
 - i. The establishment is located in an existing commercial space and does not require an expansion that would increase the square footage of the existing floor area by more than 10 percent
 - ii. No live entertainment or dancing is proposed
 - iii. No outdoor seating is proposed in a public right-of-way
 - iv. The establishment is not a formula business or formula restaurant.
 - b. Administrative review and approval by the Planning and Building Director, subject to the following:
 - i. The proposed establishment meets the requirements of all applicable code regulations.
 - ii. Written notice of the proposed establishment is mailed to all property owners within 300 feet of the subject property. 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.
 - iii. No substantial concerns are raised by surrounding property owners or are identified by the Planning and Building Director. If substantial concerns are identified, the proposed establishment shall be referred to the Planning Commission for review and approval pursuant to CMC Chapter 17.40.
10. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in CMC Chapter 17.02.

17.21.030 Conditionally-permitted uses

- A. The following uses require a use permit in the DC District, pursuant to CMC Chapter 17.40:
 1. Wine shops, including tasting facilities

2. Wine, beer and liquor sales
3. Winery tasting rooms, provided that 75 percent of the wines poured for tasting in the winery tasting room without charge comply with one of the following:
 - a. Are labeled Napa County, Napa Valley or other legally-recognized American Viticultural Area within the County of Napa; or
 - b. Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.

4. Sale of used or secondhand goods, excluding books and magazines
5. Souvenir shops
6. Walkaway businesses
7. Outdoor sales establishments, such as plant nurseries and garden supplies, and storage associated with a primary use, such as hardware and home improvement stores
8. Sexually-oriented retail businesses
9. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises
10. Gasoline service stations, excluding automobile repair and car washes
11. Bars
12. Restaurants, bakeries, cafes and other similar uses, with or without outdoor seating, not meeting the criteria set forth in CMC Subsection 17.21.020(A)(9)(a)
13. Formula businesses otherwise allowed in CMC Section 17.21.020, but not including formula restaurants or formula visitor accommodations
14. Banks and financial institutions with drive-up or walk-up facilities
15. Hotels, motels, resorts and inns
16. Commercial amusements, such as arcades and fortune tellers
17. Live entertainment and/or dancing
18. Theaters and places of public assembly, such as halls, lodges, fraternal organizations and clubs
19. Dance studios and schools
20. Off-site parking for businesses

21. Live-work units, provided that the following requirements have been met:
 - a. The required off-street parking for the exclusive use of dwelling units is provided pursuant to CMC Chapter 17.36
 - b. The commercial use shall be compatible with the health and safety of persons residing on the property (lighting, noise, fumes and hours of operation, etc.).
22. Multi-family dwellings above the first floor
23. Storage when associated with a resident-serving business located on an adjacent parcel
24. Religious institutions, such as churches and mosques
25. Public and private schools
26. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more or that would allow the creation of a commercial space with 200 or more square feet of floor area
27. Public utility substations
28. Geothermal uses
29. Uses determined by the Planning Commission to be similar in nature, as provided for in CMC Chapter 17.02.

17.21.040 Accessory uses

- A. Accessory uses that are an allowed or conditionally-permitted use within the DC District are permitted in conjunction with a primary use.
- B. Accessory uses shall be compatible with the primary use. Determinations of compatibility shall be made by the Planning and Building Director for those uses allowed with only a business license and by the Planning Commission for those uses requiring a conditional use permit.

17.21.050 Prohibited uses

- A. The following uses are prohibited in the DC District:
 1. Uses not specified in CMC Sections 17.21.020 through 17.21.040
 2. Formula restaurants
 3. Formula visitor accommodations
 4. Drive-up facilities associated with a food service establishment
 5. Timeshare projects, programs or occupancies
 6. Manufacturers' outlet stores

7. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises
8. Objectionable and hazardous uses, such as businesses that present noxious odors or fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion.
9. The conversion or demolition of existing dwelling units, except under one of the following circumstances:
 - a. Replacement housing will be provided. A housing agreement shall be required to ensure compliance with the conditions of a permit authorizing the demolition or conversion.
 - b. A fee will be paid subject to the provisions contained in CMC Chapter 17.08, to be used by the City to provide replacement housing.

17.21.060 Development standards

The following development standards shall apply in the DC District.

A. Minimum Setbacks

1. Principal buildings shall comply with the following setbacks from a property line:
 - a. Front: 0 feet, unless directly across the street from a residential district, in which case the front setback shall be 20 feet;
 - b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet;
 - c. Street side: 0 feet, unless across the street from a residential district, in which case the street side setback shall be 15 feet;
 - d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 10 feet.
2. Accessory buildings and structures shall comply with the following setbacks from a property line:
 - a. Front: Setback equal to or greater than the principal structure on the lot;
 - b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet;
 - c. Street side: Setback equal to or greater than the principal structure on the lot;
 - d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 5 feet.

- B. Minimum Lot Area and Lot Width.
 - 1. The minimum lot area is 5,000 square feet.
 - 2. The minimum lot width is 30 feet.
- C. Maximum Lot Coverage.
 - 1. The maximum lot coverage is 80 percent.
 - 2. Additional lot coverage may be authorized by the Planning Commission by a use permit pursuant to CMC Chapter 17.40.
- D. Maximum Floor Area Ratio. The maximum floor area for non-residential uses is 200 percent. Floor area devoted to residential uses shall be excluded from this calculation.
- E. Minimum Landscaping of Open Space. A minimum of 40 percent of open space on a lot shall be landscaped. Walks, pools, patios and other similar areas may be considered as part of the open space requirement. Parking areas shall not be counted unless special paving or other design features are incorporated.
- F. Maximum Height, Number of Stories.
 - 1. Maximum height
 - a. Principal Buildings. The maximum height of a principal building is 30 feet, with the following exceptions:
 - i. Where a commercial building abuts or adjoins a parcel in a residential district, the maximum height is 25 feet.
 - ii. Taller structures may be approved pursuant to CMC 17.38.030.
 - b. Accessory Buildings. The maximum height of an accessory building is 15 feet above grade.
 - 2. Maximum number of stories for principal buildings
 - a. Up to two stories are allowed for principal buildings.
 - b. Three stories may be authorized by the Planning Commission by a use permit pursuant to CMC Chapter 17.40.
- G. Parking and Access.
 - 1. Parking within the front setback or street side setback is prohibited.
 - 2. New driveways over any portion of the public sidewalk fronting on Lincoln Avenue between Foothill Boulevard and Fair Way may be authorized by the Planning Commission by a use permit pursuant to CMC Chapter 17.40.

- H. Fixed Place of Business. All retail sales and service establishments shall be conducted within a fixed place of business.

17.21.070 Other development standards

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

- Affordable housing, per CMC Chapter 17.08
- Sidewalk dining within the public right-of-way, per CMC Chapter 17.33
- 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.
- Design review, per CMC Chapter 17.41
- Fences, hedges or walls, per CMC Chapter 17.52
- Signs and advertising regulations, per CMC Chapter 17.58

Chapter 17.22

CC COMMUNITY COMMERCIAL DISTRICT

Sections:

- 17.22.010 Purpose and intent
- 17.22.020 Permitted primary uses
- 17.22.030 Conditionally-permitted uses
- 17.21.040 Accessory uses
- 17.22.050 Prohibited uses
- 17.22.060 Development standards
- 17.22.070 General regulations

17.22.010 Purpose and intent

The Community Commercial (CC) District is intended to implement the Community Commercial Land Use Designation of the General Plan. It provides areas at the edge of the downtown commercial core and at several intersections for activities that are similar to those in the Downtown Commercial District, but because of their size or relatively low pedestrian traffic generation are appropriate for the CC District. These uses predominantly provide for the day-to-day needs of residents, and because of their operational characteristics and space needs (storage, size, parking, etc.) are considered appropriate for the CC District.

The CC District is also intended to provide a transition between the more-intense activities in the DC District and the less-intense activities in the residential districts adjacent to commercial areas. Therefore, mixed residential-commercial uses are appropriate in the CC District. Except for visitor accommodations and live-work units, all

newly-constructed floor area located above a first floor is encouraged to be for resident-serving commercial uses and/or residential.

In order to maintain and enhance Calistoga's small-town character, development in the CC District shall be guided by relevant policies of the General Plan's Community Identity Element and the Character Areas, Gateways and Entry Corridors of the Land Use Element.

17.22.020 Permitted primary uses

A. The following primary uses are permitted in the CC District, except that an administrative use permit pursuant to CMC Chapter 17.40 is required when the use is located within an Entry Corridor designated in the General Plan.

1. Retail uses including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales; furniture sales; audio-video stores; florists; frame shops; bookstores; clothing and apparel shops; gift shops; sales of household goods and appliances; and hobby and craft shops
2. Art galleries
3. Service uses, including, but not limited to: dry cleaning, not including processing plants; laundromats; tailors; shoe repair; bicycle repair; repair of household goods and appliances
4. Personal service establishments, such as spas, beauty salons, and barbershops
5. Dance studios and schools
6. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors
7. Medical and dental clinics
8. Banks and financial institutions without drive-up facilities
9. Veterinary clinics without boarding facilities
10. Emergency shelters as defined in CMC Chapter 17.04, subject to the following development standards:
 - a. A maximum of 20 beds shall be permitted.
 - b. Temporary shelter may be made available to residents for no more than 180 days in any 12-month period.
 - c. A client intake/waiting area shall be provided at a minimum of 10 square feet per bed provided at the facility, with a minimum of 100 square feet. Said intake/waiting area shall be in a location not adjacent to the public right-of-way. If located at the exterior of a building, the intake/waiting area shall be visually separated from public view by a minimum of 6-foot-tall landscape screen or a

minimum six-foot-tall decorative wall, and shall provide consideration for shade/rain provisions.

- d. Adequate external lighting shall be provided for security purposes.
 - e. Security personnel shall be provided during the hours that the emergency shelter is in operation.
 - f. At least one facility manager shall be on site at all hours that the facility is open. Additional support staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.
11. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in CMC Chapter 17.02.

17.22.030 Conditionally-permitted uses

A. The following uses require a conditional use permit in the CC District, pursuant to CMC Chapter 17.40:

1. Wine shops, including tasting facilities
2. Wine, beer and liquor sales
3. Winery tasting rooms, provided that 75 percent of the wines poured for tasting in the winery tasting room without charge comply with one of the following:
 - a. Are labeled Napa County, Napa Valley or other legally-recognized American Viticultural Area within the County of Napa; or
 - b. Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.

4. Antique stores
5. Sale of used or secondhand goods, excluding books and magazines
6. Thrift and discount stores, not including manufacturers' outlet stores
7. Walkaway businesses
8. Outdoor sales establishments, such as plant nurseries and garden supplies, and storage associated with a primary use, such as hardware and home improvement stores
9. Sexually-oriented retail businesses

10. Automobile, boat, recreational vehicle and agricultural equipment sales, rentals and repair
11. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises
12. Gasoline service stations, including carwash facilities
13. Banks and financial institutions with drive-up facilities
14. Veterinarian clinics with boarding facilities, subject to the provisions of CMC 17.14.020(B)(3)
15. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor dining
16. Formula businesses otherwise allowed in CMC Section 17.22.020, but not including formula restaurants or formula visitor accommodations
17. Hotels, motels, resorts and inns. New visitor accommodations shall generally be allowed where they are part of a mixed-use project that provides tangible benefits to the community.
18. Live entertainment and/or dancing
19. Theaters and places of public assembly such as halls, lodges, fraternal organizations and clubs
20. Stand-alone parking lots
21. Off-site parking for businesses
22. Wineries, including public tours and tastings, winery events and private wine marketing events
23. Temporary storage or warehousing of nontoxic/nonhazardous material substances, subject to the following requirements:
 - a. The use shall be entirely enclosed within an existing structure as of the effective date of the ordinance codified herein. New structures or expansion of more than 10 percent of an existing structure shall be prohibited for such uses.
 - b. The use shall primarily serve the permanent resident population of Calistoga.
 - c. The use shall be restricted to up to two years. The use may only be extended upon the review and approval of the Planning Commission provided that a needs assessment is prepared indicating a demand for the use.
 - d. The use is prohibited within an entry corridor designated in the General Plan.
 - e. Public storage uses are prohibited.

- f. Warehousing or storage of products for regional distribution are prohibited
 - g. Outdoor storage of goods and materials are prohibited.
24. Live-work units and caretaker's quarters, provided that the following guidelines have been considered:
- a. The required off-street parking for the exclusive use of dwelling units is provided pursuant to CMC Chapter 17.36
 - b. A screened yard area of not less than 300 square feet is provided per dwelling unit, except in cases where due to the location of existing structures there is no land available for said yard
 - c. In the case of shared residential and commercial uses, the commercial use is compatible with the health and safety of persons residing on the property (lighting, noise, fumes and hours of operation, etc.).
25. Multi-family dwellings
26. Childcare facilities
27. Storage when associated with a resident-serving business located on an adjacent parcel
28. Convalescent care, community care and congregate care facilities
29. Religious institutions, such as churches and mosques
30. Public utility substations
31. Public and private schools
32. Geothermal uses
33. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more
34. Uses determined by the Planning Commission to be similar in nature, as provided for in CMC Chapter 17.02

17.22.040 Accessory uses

- A. Accessory uses that are an allowed or conditionally-permitted use within the CC District are permitted in conjunction with a primary use.
- B. Accessory uses shall be compatible with the primary use. Determinations of compatibility shall be made by the Planning and Building Director for those uses allowed with only a business license and by the Planning Commission for those uses requiring a conditional use permit.

17.22.050 Prohibited uses

- A. The following uses are prohibited in the CC District:

1. Uses not specified in CMC Sections 17.22.020 through 17.22.040
2. Formula restaurants
3. Formula visitor accommodations
4. Drive-up facilities when associated with a food service establishment
5. Timeshare projects, programs and occupancies
6. Manufacturers' outlet stores
7. Souvenir shops, unless associated with and ancillary to a visitor accommodation
8. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises
9. Objectionable and hazardous businesses, such as uses which present odors, fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion
10. The conversion or demolition of existing dwelling units, except under one of the following circumstances:
 - a. Replacement housing will be provided. A housing agreement shall be required to ensure compliance with the conditions of a permit authorizing the demolition or conversion.
 - b. A fee will be paid subject to the provisions contained in CMC Chapter 17.08, to be used by the City to provide replacement housing.

17.22.060 Development standards

The following development standards shall apply in the CC District.

A. Minimum Setbacks

1. Principal buildings shall comply with the following setbacks from a property line:
 - a. Front: 10 feet, unless directly across the street from a residential district, in which case the front setback shall be 20 feet;
 - b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet;
 - c. Street side: 10 feet, unless across the street from a residential district, in which case the street side setback shall be 20 feet;
 - d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 10 feet.

2. Accessory buildings and structures shall comply with the following setbacks from a property line:
 - a. Front: Setback equal to or greater than the principal structure on the lot;
 - b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet;
 - c. Street side: Setback equal to or greater than the principal structure on the lot;
 - d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 5 feet.
- B. Minimum Lot Area and Lot Width.
 1. The minimum lot area is 5,000 square feet.
 2. The minimum lot width is 50 feet.
- C. Maximum Lot Coverage.
 1. The maximum lot coverage is 60 percent.
 2. Additional lot coverage may be authorized by the Planning Commission by a use permit pursuant to CMC Chapter 17.40.
- D. Maximum Floor Area Ratio. The maximum floor area for non-residential uses is 80 percent. Floor area devoted to residential uses shall be excluded from this calculation.
- E. Minimum Landscaping of Open Space. A minimum of 40 percent of open space on a lot shall be landscaped. Walks, pools, patios and other similar areas may be considered as part of the open space requirement. Parking areas shall not be counted unless special paving or other design features are incorporated.
- F. Maximum Height, Number of Stories.
 1. Maximum height
 - a. Principal Buildings. The maximum height of a principal building is 30 feet, with the following exceptions:
 - i. Where a commercial building abuts or adjoins a parcel in a residential district, the maximum height is 25 feet.
 - ii. Taller structures may be approved pursuant to CMC 17.38.030.
 - b. Accessory Buildings. The maximum height of an accessory building is 15 feet above grade.
 2. Maximum number of stories for principal buildings
 - a. Up to two stories are allowed for principal buildings.

- b. Three stories may be authorized by the Planning Commission by a use permit pursuant to CMC Chapter 17.40.
- G. Parking. Parking within the front setback or street side setback may be authorized by the Planning Commission by a use permit pursuant to CMC Chapter 17.40.
- H. Fixed Place of Business. All retail sales and service establishments shall be conducted within a fixed place of business.

17.22.070 Other development standards

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

- Affordable housing, per CMC Chapter 17.08
- Sidewalk dining within the public right-of-way, per CMC Chapter 17.33
- 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
- Design review, per CMC Chapter 17.41
- Fences, hedges or walls, per CMC Chapter 17.52
- Signs and advertising regulations, per CMC Chapter 17.58