

*Existing***Chapter 17.28 DD DESIGN DISTRICT**

Sections:

- 17.28.010 Purpose.
- 17.28.020 Uses allowed.
- 17.28.030 Height limit of buildings and structures.
- 17.28.040 Lot area requirements.

17.28.010 Purpose.

The purpose of this combination district is to require Planning Commission review of building design and property development such that development retains existing historical features of buildings and that new development is compatible with historical features of the City. It also serves to ensure that major entrances to the City are attractively developed. (Ord. 460 1991).

17.28.020 Uses allowed.

Uses allowed in a DD district shall be as follows:

A. Uses Allowed without Use Permit.

1. All uses that are permitted uses in the C general commercial district provided they are in an existing building or structure;
2. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.

B. Uses Requiring Use Permits.

1. All uses requiring a use permit under the C general commercial district;
2. All new buildings;
3. Expansions of existing buildings or structures greater than 10 percent of the existing gross floor area;
4. Projects which will alter the exterior of any historical structure;
5. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.

C. Allowed Accessory Uses. Accessory buildings; provided, that no accessory building shall be constructed prior to the construction of the main building, nor on a separate lot from the main building.

17.28.030 Height limit of buildings and structures.

Height limit of buildings and structures in a DD district shall be 30 feet. Developments adjacent to airport property shall submit safety studies to determine the safe building height and location.

17.28.040 Lot area requirements.

Lot area requirements in a DD district shall be as follows:

- A. The minimum lot area requirements shall be the same as the C commercial district set forth in Chapter 17.22 CMC;
- B. Setbacks for main buildings and accessory buildings shall be as follows: The minimum lot area requirements shall be the same as the C commercial district set forth in Chapter 17.22 CMC.

Proposed Additional Revisions to Commercial Zoning Districts

In response to Mr. Quast's comments in the attached letter, staff recommends the following additional revisions (where deleted text is indicated by ~~strikeout~~ and new text is indicated by underlining).

1. Revise proposed Downtown Commercial District Section 17.21.010, Purpose and Intent, to delete "uses...which do not have large space requirements," since many uses appropriate for the downtown require a large amount of space, such as grocery stores and hotels:

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.~~

2. Amend DC District Section 17.21.020, Permitted Primary Uses, to delete the restriction on classifying new restaurants, bakeries, cafés and similar uses as permitted uses (i.e., allowed without approval of a use permit) if they would increase the existing floor area by more than 10 percent, because it unnecessarily hinders the establishment of such uses:

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
- ~~iii~~iv. The establishment is not a formula business or formula restaurant.

3. Amend DC District Section 17.21.030 and CC District Section 17.22.030 to add "hotel-condominiums" as a conditionally-permitted use to clarify that they are allowed:

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

16. Hotels, hotel-condominiums, motels, resorts and inns

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

18. Hotels, hotel-condominiums, motels, resorts and inns

4. Amend DC District Section 17.21.030 to add "resident caretaker and manager quarters" as conditionally-permitted uses to clarify that they are allowed:

22. Live-work units and resident caretaker and manager quarters...

5. Amend DC District Section 17.21.030 to delete the use permit requirement for new structures and certain additions to existing structures because they would be evaluated and approved through the design review process:

~~27. 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~~

6. Amend DC District Section 17.21.060 to clarify that the Planning Commission must approve any new driveways on Lincoln Avenue:

G. Parking and Access.

2. New driveways over any portion of the public sidewalk fronting on Lincoln Avenue between Foothill Boulevard and Fair Way ~~may be authorized by~~ shall require authorization by the Planning Commission through the approval of a use permit pursuant to CMC Chapter 17.40.

7. Amend DC District Section 17.21.060, Other Development Standards, and CC District Section 17.22.070, Other Development Standards, to include a reference to the regulations included in Chapter 5.18, Special Events.

8. Amend Chapter 17.04 Definitions to add a definition for “live-work unit”:

Live/work facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the City building code and working space reserved for and regularly used by one of more occupants of the unit.

ROMAN SPA
Hot Springs Resort

CITY OF CALISTOGA
CITY CLERK

JUL 21 2015

RECEIVED

July 20, 2015

City of Calistoga Council Members
& City Manager
1232 Washington St.
Calistoga, CA 94515

RE: July 21, 2015 City Council Meeting Item 6: Commercial Zoning District; Item 7 Land Use

Dear City Council Members,

The Code for Items 6 & 7 is over 10 years old and these changes align the code to implement changes for the General Plan process to cover the coming 10 years; there are many implications to this process and a lot has changed in the community in the past 10 years. It takes time for people and businesses to absorb and understand the code to see how it will affect them, and it may have far reaching effects to some of the businesses and properties involved. In light of these implications, I suggest the Council create a 3 person subcommittee with the Mayor and other business members to reach out to the stakeholders including the restaurant, retail, and lodging communities and hold workshop and draft language meetings as to the meaning and implications this code creates for the community's future. I am sure there are others with concerns and they may have other issues that I have not noted.

Please review the issues I have noted and help us build a strong business community.

Item 6

DC district Specifics:

17.21.010: 1) The use of "large space requirements" is unclear and uncertain.

2) The language seems to state that only resident serving businesses and live work units are allowed on the upper floors. Businesses on the primary floor should be allowed to continue their business on the upper floors. Further language would be most helpful.

17.21.020 section 9: With the new ADA and building code requirements any small addition need tends to get larger with the new code requirements, it would be helpful to increase this square footage (SF) amount to 20 percent, or set a minimum such as 500 SF.

Section 8: It would seem best to simplify this by using Lodging versus all the separate entities, also it is missing Hotel-Condo as per section 17.32. Please clarify these items.

Section 21: Short term or event parking, does this need a use permit and will it be allowed on Lincoln Ave. vs. elsewhere?

Section 22: It should be amended to "live-work units including caretaker or manager quarters" since there are many properties that use this model. Sub section area does not need the word "exclusive" as long as the spaces float. Please change these items.

Section 24: Storage does not seem to need a separate use permit, why should a primary permitted use need a use permit for its storage even on an adjacent parcel. A primary permitted use or accessory use for storage on an adjacent parcel should be excluded from the needed use permit process.

Section 27: Why would a primary permitted business need a use permit to increase its size regardless of the size of the increase? They should just need a building permit. I believe it should read "New Structures or additions that require conditional use permits" resulting ...; also, the percent should become 20 percent as noted earlier.

17.21.050 Prohibited uses:

Section 3: If there are not B&B's in the commercial districts, then B & B should be considered

Also add a new section: single family residences are prohibited for clarity, it has come up before to the City Council.

17.21.060: Development Standards:

Section A 1 a: 1) When a property has multiple front sides, the setback to residential areas should be reduced to zero. Please change?

2) When there is a large city easement over 8 feet, the setback to a residential area should be reduced to zero. For example, the Roman Spa has almost a 20 foot City easement along Second St., adding a further setback is unreasonable and unnecessary. Please change?

3)A1b-d: please change similarly.

Section B 1: The minimum area is not in keeping with the width size. Lots tend to be either 100-120 FT deep (200-220 for the full block depth), so with a width of 30 feet the minimum area size should be about 3000 FT. There are other lots that are smaller and some that may be 45 FT wide and still need a smaller size such as 4000 SF minimum. Please review and change appropriately?

Section G 1: Parking: this line lost the second half of the sentence. It should read: Parking within the front setback or street side setback requires "approval by the Planning Director or Commission pursuant to the use permit process in Chapter 17.40 CMC".

Section G 2: This is worded in such a way that the property owner does not need authorization. I suggest it read: New driveways "and curb cuts should be kept to a minimum" over ... Fair Way "and need authorization "~~may be authorized~~ by the Planning Director or Commission by a use permit pursuant to CMC Chapter 17.40.

17.21.070 and 17.22.070 Is this the way to present these other standards? It is suggested to read "Additional requirements may ~~that~~ apply to ...

CC District: This zoning has correlating issues that are the same to correct as in the DC. Separately, there are these items:

17.22.030 section 18: this needs Hotel Condo pursuant to 17.32 added, also B & B if it applies.

Section 25: needs the addition of single family residences. This was brought previously to the City Council about 8-10 years ago. Without it, these houses cannot get insurance or loans and mortgages. Perhaps it should read "No new SFR can be built."

17.22.050 section 3: add B & B for clarity if there are no B & B's in the district.

17.22.060 Development Standards:

Section B: It is suggested to review the minimum lot area size desired.

Section G: needs to be rewritten requiring authorization.

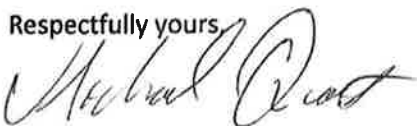
Lastly, Section 7 on page 3 of the Ordinance Attachment 1 discusses the signs section. Further review is needed to consider larger facilities that occupy a large portion of a complete block. It is suggested that when such size exists and entrances are more than 80 feet apart, additional signage is appropriate at each entrance. This code did not state exactly where it was located to understand all that was needed here.

Other Items not noted:

- 1) How are mobile food services to be permitted? Do food trucks and even food carts need a use permit and where are they allowed to operate? Also, are service and retail vending trucks and / or carts to need a use permit and where they can operate, such as the cigar man cave truck? Secondly, when there are short term events, parades, etc.: is a use permit needed and where are they allowed to operate? Do mobile services such as the smoking truck need a zone of clearance for health and safety?

For Item 7: The Council should decide and incorporate the Hotel-Condo code into the Land Use element.

Respectfully yours,



Michael Quast,

Roman Spa Resort