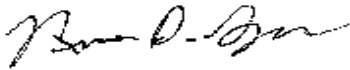


City of Calistoga Staff Report

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg, Planning and Building Director
DATE: August 18, 2015
SUBJECT: **Municipal Code Amendments to Commercial Zoning Districts (ZOA 2015-2)**
(Continued from July 21, 2015)

APPROVAL FOR FORWARDING



Richard D. Spitler, City Manager

1 **ISSUE:** Consideration of Municipal Code amendments to the commercial zoning
 2 districts and definitions chapters of the Zoning Code

3 **RECOMMENDATIONS:**

- 4 1. Following a public hearing, introduce the ordinance and waive its first reading. In
 5 general, the ordinance would:
- 6 a. Rescind Calistoga Municipal Code Chapter 17.22 Commercial Land Use Districts
 7 and Chapter 17.28 Design District
 - 8 b. Adopt Chapter 17.21, DC Downtown Commercial District and Chapter 17.22, CC
 9 Community Commercial District as shown in Exhibit A thereto.
 - 10 c. Amend Chapter 17.04 Definitions to reflect deleted uses and added uses
- 11 2. Direct staff to initiate a Zoning Code amendment to allow residential structures in a
 12 commercial or industrial district to be reconstructed if they are involuntarily
 13 destroyed.

14 **BACKGROUND:** On July 21st, the City Council considered proposed amendments to
 15 the commercial zoning districts of the Zoning Code. The hearing was continued to allow
 16 staff to respond to comments submitted by Michael Quast and to meet with
 17 Councilmember Lopez-Ortega to review the proposed revisions.

18 Prior to adoption of the 2003 Calistoga General Plan, the City had a single commercial
 19 General Plan land use designation (“General Commercial”) and commercial zoning
 20 district (“C General Commercial District”). The DD Design District also applied to all
 21 commercially-zoned properties and was intended to require Planning Commission
 22 review of building design and property development such that development retains

23 existing historical features of buildings, is compatible with historical features of the City
24 and ensures that major entrances to the City are attractively developed.

25 The 2003 General Plan created “Downtown Commercial” and “Community Commercial”
26 land use designations in recognition of the downtown’s unique character and a desire to
27 protect it. In 2004, two corresponding zoning districts were adopted in order to further
28 define permitted and conditionally-permitted uses, and establish development standards
29 such as building height and setbacks. Commercially-designated properties were
30 subsequently rezoned to one of the two zoning districts. The provisions of the DD
31 Design District were also incorporated into both districts and this overlay was removed
32 from all commercially-zoned properties.

33 **DISCUSSION**

34 Originally-proposed amendments

35 The following primary Zoning Code amendments were originally proposed:

- 36 • Separate the districts into individual chapters to facilitate their use and conform to
37 the approach used throughout the Code. Both of the zoning districts are currently
38 included in a single Zoning Code chapter, which is cumbersome to use.
- 39 • Add purpose and intent statements for each district, which the existing chapter lacks.
40 Include a reference to the applicability of relevant policies of the General Plan’s
41 Community Identity Element and the Character Areas, Gateways and Entry
42 Corridors of the Land Use Element.
- 43 • Revise the districts to bring them into conformity with amendments that have been
44 made to several General Plan elements since the districts’ original adoption, such as
45 excluding residential floor area when calculating a project’s floor area ratio.
- 46 • Rearrange the lists of permitted and conditionally-permitted uses in each district to
47 group similar uses.
- 48 • Delete single-family dwellings as a conditionally-permitted use in the Community
49 Commercial District, consistent with the intent of the General Plan’s Community
50 Commercial land use designation.
- 51 • Replace “community care” and “congregate care facilities” with “large residential
52 care facilities for the elderly” and “skilled nursing facilities” as conditionally-permitted
53 uses in the Community Commercial District to update these land use categories.
- 54 • Add the sale of firearms and ammunition as a use that is subject to approval of use
55 permit in both commercial zoning districts.
- 56 • Delete the use permit requirement for modifications to existing structures that result
57 in an increase in the number of leasable spaces. The justification for this
58 requirement is unclear and the requirement is an impediment to the addition of new
59 businesses.

- 60 • Delete Subsection 17.22.080(M) *Findings for Use Permits on Property in Entry*
61 *Corridors*; they are duplicative of General Plan entry corridor policies, and one of the
62 standard use permit findings requires consistency with the General Plan.
- 63 • Delete the DD District because it is duplicative of provisions included in each of the
64 new proposed zoning districts as well as existing design review requirements.
- 65 • Add references at the end of each chapter to other applicable chapters (e.g., side-
66 walk dining, signs)
- 67 • Renumber existing Chapter 17.21, Home Occupations to Chapter 17.43
- 68 • Change references from “general commercial district” to “commercial zoning
69 districts” in:
 - 70 Section 17.58.060(B)(2)(a) – Signs chapter
 - 71 Section 17.04.380 – Definition of “inn”
- 72 • Amend Chapter 17.04 Definitions to reflect deleted uses and added uses

73 Additional revisions

74 Staff met with Mr. Quast at length, and in response to his comments is recommending
75 several additional revisions (Attachment 6), which are reflected in the revised draft
76 ordinance.

77 Mr. Quast also suggested not deleting single-family residences as a conditionally-
78 permitted use in the Community Commercial Zoning District because existing
79 residences would become non-conforming and have problems obtaining insurance,
80 loans and mortgages. Continuing to allow single-family residences would be
81 inconsistent with the General Plan Community Commercial land use designation.
82 However, in recognition of the problems that the non-conforming situation represents,
83 staff recommends that the City Council direct staff to initiate a Zoning Code amendment
84 to allow residential structures in a commercial or industrial district to be reconstructed if
85 they are involuntarily destroyed, which should address these concerns.

86 **ENVIRONMENTAL REVIEW:** The proposed amendments are exempt from the
87 California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA
88 Guidelines, as it can be seen that they would not result in any impacts on the physical
89 environment.

90 **PLANNING COMMISSION REVIEW:** The Planning Commission considered the
91 proposed Code amendments at a public hearing on June 10, 2015, and adopted PC
92 Resolution 2015-16 recommending their approval to the Council.

93 **CONSISTENCY WITH COUNCIL GOALS AND OBJECTIVES:** The proposed
94 amendments would help to fulfill Goal 1 – *Maintain and enhance the economic vitality of*
95 *the community and the financial stability of the City* - of the City Council’s goals and
96 objectives for Fiscal Year 2015-16.

97 **FISCAL IMPACT:** There are no fiscal impacts associated with the proposed Code
98 amendments.

ATTACHMENTS

1. Draft ordinance (revised)
2. Location of Commercial Zoning Districts Map
3. Draft Chapter 17.21 DC Downtown Commercial District with significant revisions identified (revised)
4. Draft Chapter 17.22 CC Community Commercial District with significant revisions identified (revised)
5. Existing Chapter 17.28 Design District
6. Proposed additional revisions to Michael Quast letter dated July 20, 2015