



City of Calistoga
Planning Commission
Agenda Item Summary

DATE	September 9, 2015
ITEM	Amendments to Zoning Code Chapter 17.44, Nonconforming Uses (ZOA 2015-6)
STAFF CONTACT	Lynn Goldberg, Planning & Building Director
POTENTIAL CONFLICTS	None
RECOMMENDATION	Recommend that the City Council rescind and replace Calistoga Municipal Code Chapter 17.44, Nonconforming Uses
SUGGESTED MOTION	"I move that the Planning Commission adopt a resolution recommending to the City Council the rescission and replacement of Calistoga Municipal Code Chapter 17.44"

CALISTOGA PLANNING COMMISSION
STAFF REPORT

TO Chairman Manfredi and Members of the Planning Commission
FROM Lynn Goldberg, Planning & Building Director
MEETING DATE September 8, 2015
SUBJECT Amendments to Zoning Code Chapter 17.44, Nonconforming Uses (ZOA 2015-6)

1 ITEM

2 Consideration of a recommendation to the City Council to rescind and replace Chapter
3 17.44, Nonconforming Uses, of the Zoning Code

4 BACKGROUND

5 The City Council approved amendments to the Community Commercial Zoning District
6 at its August 18th meeting. At that time, it considered a request by Michael Quast to not
7 delete single-family residences as a conditionally-permitted use in the Community
8 Commercial Zoning District because existing residences would become non-conforming
9 and have problems obtaining insurance, loans and mortgages.

10 Staff noted that continuing to allow single-family residences would be inconsistent with
11 the General Plan Community Commercial land use designation. However, in recognition
12 of the problems that the non-conforming situation represents, staff recommended that
13 the Council direct staff to initiate a Zoning Code amendment to allow residential
14 structures in a commercial or industrial district to be reconstructed if they are
15 involuntarily destroyed.

16 The Council directed staff to initiate such a Zoning Code amendment.

17 DISCUSSION

18 The following significant amendments to Chapter 17.44 are proposed, in addition to
19 "housekeeping" revisions:

- 20 • Add a provision allowing a nonconforming residential structure to be replaced,
21 provided that:
 - 22 1. The number of dwelling units is not increased, unless allowed by the
23 applicable zoning district.
 - 24 2. The replacement structure complies with all applicable development
25 standards, unless a variance is approved.
 - 26 3. A building permit for the replacement structure is applied for within one
27 year of the former structure's destruction and construction is diligently
28 pursued.

- 29 • Delete Section 17.44.070, which allows the Planning Commission to require the
30 owner or occupant of any land or building classified as a nonconforming use to
31 make application for a use and occupancy permit, and annually thereafter apply
32 for renewal of said permit. Since the land or building is a nonconforming use, it
33 would not be possible for the owner or occupancy to apply for a use permit.

34 **ENVIRONMENTAL REVIEW**

35 The proposed amendments are exempt from the California Environmental Quality Act
36 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, as it can be seen that they
37 would not result in any impacts on the physical environment.

38 **RECOMMENDATION**

39 Staff recommends that the Planning Commission adopt a resolution recommending that
40 the City Council rescind and replace Chapter 17.44, Nonconforming Uses.

ATTACHMENTS

1. Draft resolution
2. Existing Chapter 17.44, Nonconforming Uses with red-lined revisions