

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg, Planning and Building Director
DATE: November 15, 2016
SUBJECT: Potential Zoning Code Amendments Related to Administrative Use and Temporary Use Permits

APPROVAL FOR FORWARDING

Dylan Feik, City Manager

1 **ISSUE:** Initiation of Zoning Code amendments to revise the applicability of
2 Administrative Use Permits and establish a Temporary Use Permit

3 **RECOMMENDATION:** Direct staff to prepare and process ordinance amendments that
4 revise the requirements for Administrative Use Permits and that establish a Temporary
5 Use Permit

6 **BACKGROUND:** Calistoga Municipal Code Title 17, Zoning, allows or requires the
7 approval of "Administrative Use Permits" by Planning Department staff for a wide range
8 of activities and projects, including:

- 9 1. Uses that are limited in scope or of a temporary nature, such as holiday or other
10 seasonal events and sales lots for a duration of seven or more consecutive days
- 11 2. Temporary uses conducted on private property and not subject to a Special
12 Event permit
- 13 3. Outdoor live entertainment with non-amplified instruments in conjunction with an
14 established business operation
- 15 4. Outdoor bicycle rentals in conjunction with an established retail sales operation
- 16 5. Outdoor and sidewalk dining in conjunction with an established restaurant
17 operation
- 18 6. In the Downtown Commercial Zoning District: restaurants, bakeries, cafes and
19 similar uses which are not a formula business or restaurant, and do not include
20 live entertainment, dancing or outdoor seating in a public right-of-way
- 21 7. In the Rural Residential–Hillside Zoning District: subdivision sales offices,
22 building additions and new accessory buildings of 400 square feet or more
- 23 8. In the Downtown Commercial and Community Commercial Zoning Districts: all
24 "permitted uses" (i.e., those that do not require a Planning Commission-approved

25 use permit) that are located within an entry corridor designated in the General
26 Plan

27 9. Fences, walls and hedges between six and eight feet in height in a required rear
28 or side yard setback area

29 The processing fee for administrative use permits was recently increased from \$50 to
30 \$850 because staff refers most of these applications to other City departments for
31 review, notifies surrounding property owners of the application, and prepares findings
32 and conditions of approval.

33 **DISCUSSION**

34 Staff recommends several amendments to the Zoning Code in order to streamline the
35 review process for some of the above entitlements and reduce processing costs. There
36 is also a need to add procedures for reviewing administrative use permits, which are not
37 currently included in the Code.

- 38 • Create Temporary Use Permit

39 The recent increase in the processing fee has brought to light the fact that it is an
40 excessive charge for Administrative Use Permits involving special events held at
41 restaurants or wine tasting rooms in commercial areas, since these types of
42 applications are routinely approved by Planning Department staff without the need
43 for input from other departments or nearby property owners. The new fee deters
44 business owners from applying for City approval. Therefore, staff proposes to create
45 a "Temporary Use Permit" for these types of events, with a processing fee of \$150,
46 which would cover roughly one and one-half hours of staff time. The seasonal
47 events listed in #1 above would also be included in this permit category.

48 Special Event Permits would continue to be used for temporary events on private
49 property that require coordination among other departments and agencies, such as
50 the annual film festival, and processed by Recreation Services.

- 51 • Remove Administrative Use Permit requirement for restaurants

52 As noted in #6 above, certain restaurants, bakeries, cafes and similar uses in the
53 Downtown Commercial Zoning District require approval of an Administrative Use
54 Permit. Over the years, City staff has dealt with the opening of many new food
55 establishments, which usually locate in an existing commercial space. Through this
56 experience it has become evident to staff that potential issues that arise are
57 generally the same: parking, water and sewer allocations, bars and live
58 entertainment. While establishments with bars and/or live entertainment do raise
59 issues that warrant discretionary review and public discussion, staff believes that
60 establishments without such uses can be reviewed through established procedures
61 and practices for new businesses, i.e., an occupancy inspection by the Fire
62 Department and approval of a Zoning Clearance by the Planning Department.

63

- 64 • Remove Administrative Use Permit requirement for Entry Corridors

65 As noted in #8 above, certain properties located at Calistoga's entrances are
66 designated with Entry Corridor Overlays by the Calistoga General Plan (see
67 Attachment 1). The overlays are intended to enhance its small-town, rural character
68 by interweaving elements of the natural and built environments between primarily
69 agricultural lands in the County and developed lands in the City. Appropriate site
70 layouts, architecture and setbacks are to be used to create an understated visual
71 appearance for development visible from the roadway. There are six designated
72 entry corridors, each of which has brief design guidelines for future development.

73 The Zoning Code requires approval of an Administrative Use Permit for otherwise-
74 permitted uses on properties that are zoned Downtown Commercial (DC) or
75 Community Commercial (CC) and are located within an Entry Corridor. This
76 requirement is unnecessary, because most new construction is subject to design
77 review approval (either by staff or the Planning Commission) and all new
78 construction in the Community Commercial District is subject to a Planning
79 Commission-approved use permit. Therefore, staff recommends that the
80 Administrative Use Permit requirement be deleted for DC- and CC-zoned properties
81 within entry corridors.

- 82 • Remove Administrative Use Permit requirement for over-height fences

83 As noted in #9 above, approval of an Administrative Use Permit is required for
84 fences, walls and hedges between six and eight feet in height in a required rear or
85 side yard setback area. Given the ubiquity of eight-foot high fences in order to
86 maintain privacy in residential yards, many of which have not been approved by the
87 City, Staff recommends amending the Zoning Code to allow fences of up to eight
88 feet as a matter of right along rear and interior side property lines, and in street side
89 yards if they are set back five feet from the property line.

- 90 • Add Administrative Use Permit review requirements

91 The Code does not require notification of property owners within 300 feet prior to
92 staff taking action on an Administrative Use Permit (except in the case of over-height
93 fences). It is recommended that this requirement be added in order to inform
94 neighbors of these applications.

95 **FISCAL IMPACTS:** Implementation of the recommended amendments would result in
96 a slight reduction in anticipated Planning Department revenue, since the number of
97 Administrative Use Permit applications would be reduced. However, there would be
98 positive fiscal impacts to business and property owners through lower permit fees or the
99 avoidance of such fees. Furthermore, requiring a less-expensive permit for certain
100 temporary events would encourage businesses to comply with Code requirements
101 rather than ignore them.

102 **ATTACHMENT:**

- 103 1. Entry Corridor excerpt from Calistoga General Plan

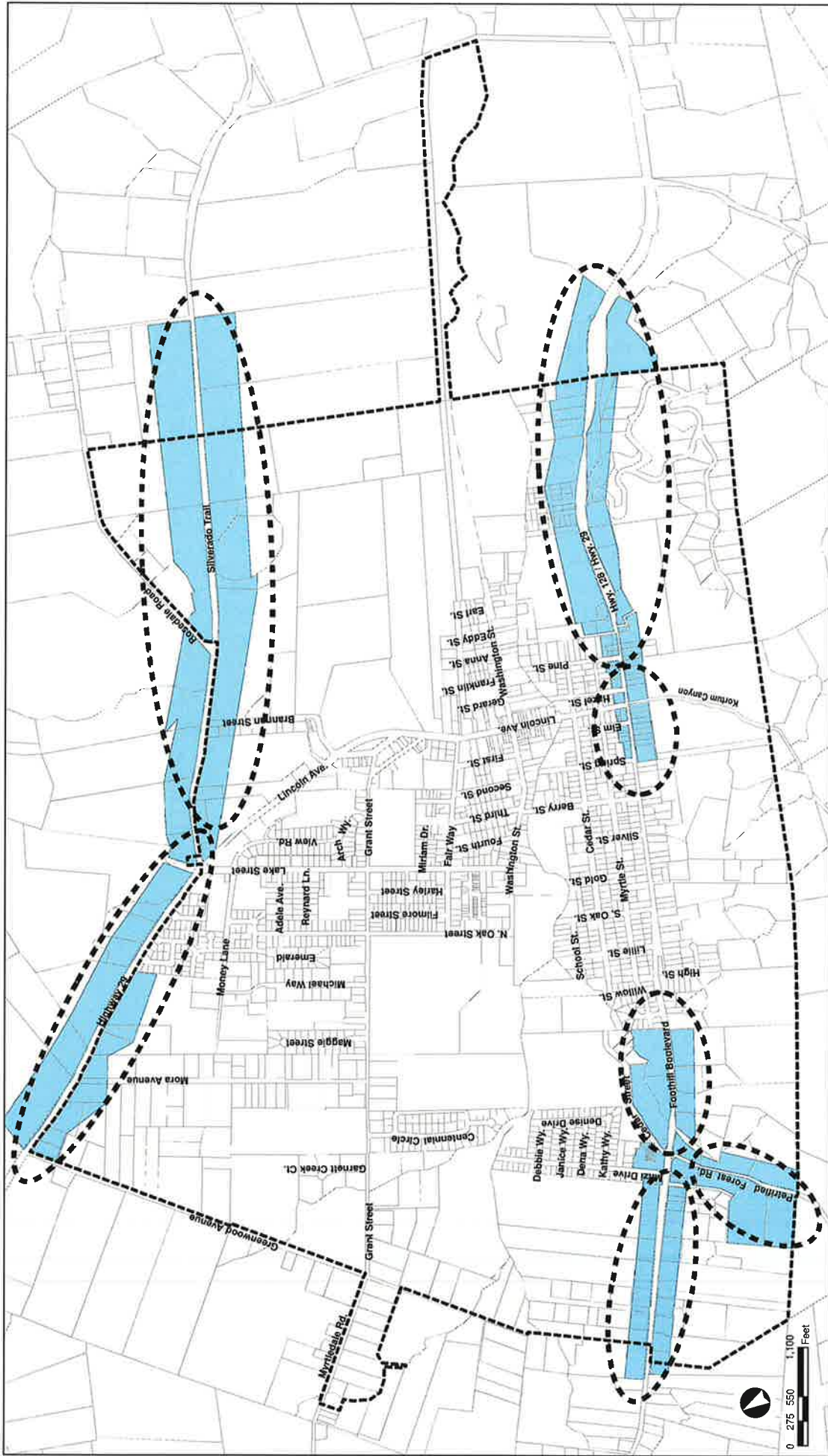


FIGURE C1-1
ENTRY CORRIDORS
 CITY OF CALISTOGA
 2010 GENERAL PLAN

Entry Corridor Overlay Area
 (See Figure LUJ-6)

Entry Corridor Locations

City Limit Line

