



City of Calistoga
Planning Commission
Agenda Item Summary

DATE	January 25, 2017
ITEM	Zoning Code Amendments Related to Accessory Dwelling Units (ZOA 2017-1)
STAFF CONTACT	Lynn Goldberg, Planning & Building Director
POTENTIAL CONFLICTS	None
RECOMMENDATION	Recommend that the City Council adopt the proposed amendments to Calistoga Municipal Code Title 17, Zoning
SUGGESTED MOTION	"I move that the Planning Commission adopt a resolution recommending to the City Council approval of amendments to the Zoning Code related to accessory dwelling units"

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Chairman Coates and Members of the Planning Commission
From: Lynn Goldberg, Planning & Building Director
Meeting Date: January 25, 2017
Subject: Zoning Code Amendments Related to Accessory Dwelling Units
(ZOA 2017-1)

1 **ITEM**

2 Consideration of a recommendation to the City Council regarding proposed
3 amendments to Calistoga Municipal Code Title 17, Zoning, to revise the regulations for
4 second/accessory dwelling units

5 **BACKGROUND**

6 State law requires that the City allow the development of an independent living unit that
7 is subordinate to the main dwelling on a lot that is zoned for one-family dwellings.
8 Calistoga Municipal Code Title 17, Zoning, allows “second dwelling units” as a permitted
9 use in the Rural Residential, One-Family Residential and Two-Family Residential
10 Zoning Districts. They are currently allowed by use permit in the Rural Residential-
11 Hillside Zoning District.

12 CMC Chapter 17.37, Second Dwelling Units (Attachment 2), prescribes permit
13 requirements, general provisions and design standards for second dwelling units that
14 conformed to prior state law. These regulations require one parking space for a second
15 dwelling unit and a minimum unit size of 300 square feet.

16 Recent state legislation¹ that took effect on January 1, 2017 is intended to further
17 reduce barriers, streamline approval and expand capacity to accommodate the
18 development statewide of the newly re-named “accessory dwelling units”.

19 Accessory dwelling units may be created on a lot with an existing one-family dwelling
20 unit in two primary ways:

- 21 • New construction:
 - 22 - The construction of a structure to house an ADU that is separate from the
 - 23 main one-family dwelling unit
 - 24 - The construction of an addition to a one-family dwelling to house an ADU
- 25 • The conversion of existing space:
 - 26 - The conversion of an existing accessory structure
 - 27 - The conversion of a portion of an existing one-family dwelling

¹ SB 1069 and AB 2299, codified in Govt. Code Section 65852.2 (in part)

29 The following Zoning Code amendments are required in response to the new state law.

- 30 • Change all Zoning Code references from “second dwelling unit” to “accessory
31 dwelling unit.”
- 32 • Delete the use permit requirement for ADUs in the RR-H Zoning District. All
33 ADUs must now be approved ministerially and may not be subject to a
34 discretionary review process.
- 35 • Add the following general provisions to Chapter 17.37:
 - 36 - Limit the increased floor area of an attached ADU created through new
37 construction to a maximum of 50 percent of the existing living area.
 - 38 - No setback shall be required for an existing garage that is converted to an
39 ADU.
 - 40 - A setback of no more than five feet from the side and rear lot lines shall be
41 required for an ADU that is constructed above a garage.
- 42 • Modify Chapter 17.36, Off-Street Parking and Loading to:
 - 43 - Allow a tandem parking arrangement where parking required for the existing
44 dwelling has been displaced by the creation of an ADU (such as through a
45 garage conversion)
 - 46 - Waive the requirement for one additional parking space for an ADU that is:
 - 47 ○ Located within one-half mile of public transit, and/or
 - 48 ○ Created through the conversion of part of the existing primary residence or
49 an existing accessory structure

50 On December 6, 2016, the City Council directed staff to initiate the above Zoning Code
51 amendments, as well as eliminate the minimum ADU size in order to promote the
52 creation of smaller units such as “tiny houses.” (The Building Code would be used
53 instead to determine the legally-acceptable minimum.)

54 It was also the Council’s consensus to eliminate the parking requirement for all ADUs,
55 including those developed through new construction because these ADUs are unlikely
56 to be constructed in areas with limited on-street parking (such as the downtown) due to
57 regulatory constraints such as minimum setbacks and maximum lot coverage.

58 The Council agreed with staff’s recommendation to not increase the maximum ADU size
59 above the current 750 square feet and/or one bedroom in order to limit potential impacts
60 on utilities, public services and parking.

61 **DISCUSSION**

62 The proposed code amendments would bring the Municipal Code into compliance with
63 the new state law.

64 The ADU design standards contained in Chapter 17.37 will continue to be applied
65 during the building permit application review process in order to ensure that they are
66 compatible with the design of the primary dwelling unit, minimize privacy intrusion for

67 dwellings on adjacent properties, and minimize impacts on neighboring properties'
68 scenic views of ridge lines and hilltop areas.

69 **ENVIRONMENTAL REVIEW**

70 The proposed Zoning Code amendments have been reviewed in accordance with the
71 California Environmental Quality Act and the City has determined that CEQA Guidelines
72 Section 15061(b)(3), the "general rule" exemption, applies because it can be seen with
73 certainty that there is no possibility that the amendments may have a significant effect
74 on the environment. Therefore, the proposed action is exempt from CEQA.

75 **RECOMMENDATION**

76 Adopt a resolution recommending to the City Council approval of amendments to the
77 Zoning Code related to accessory dwelling units.

ATTACHMENTS

1. Draft resolution
2. Amendments CMC to Chapter 17.37, Second Dwelling Units with tracked changes
3. Existing CMC Chapter 17.37, Second Dwelling Units
4. Govt. Code Section 65852.2