

CITY OF CALISTOGA

STAFF REPORT

**TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER**

**MEETING DATE: NOVEMBER 12, 2008**

**SUBJECT: ZONING ORDINANCE AMENDMENT (ZO 2008-04) – CHANGE IN REVIEW PROCEDURES FOR PROPERTIES LOCATED IN THE ENTRY CORRIDORS**

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2 **REQUEST:**  
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4 **ZO 2008-04.** Consideration of a Zoning Ordinance Text Amendment, initiated by the City  
5 of Calistoga, to amend Chapter 17.22.040(A) Downtown Commercial (DC) District –  
6 Allowed, Conditionally Permitted and Prohibited Uses and 17.22.060(A) Community  
7 Commercial (CC) District – Allowed, Conditionally Permitted and Prohibited Uses of the  
8 Calistoga Municipal Code, to change review procedures for those use(s) located on  
9 property within an entry corridor, as defined in the 2003 General Plan Update, from a  
10 conditionally permitted use to a use permitted subject to administrative review with public  
11 notice. This proposed action is exempt from the California Environmental Quality Act  
12 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.  
13

14 **BACKGROUND:**  
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16 In response to the length of time taken to process use permits and the need to assist  
17 new businesses that desire to locate in Calistoga, the City Council and Planning  
18 Commission have directed Staff to investigate measures to streamline the entitlement  
19 process. After some review of the current Commercial Land Use District, Chapter 17.22  
20 and discussions with several property owners who own commercial property, it was  
21 found that certain uses proposed on properties within an entry corridor are required to  
22 obtain a conditional use permit rather than those uses being allowed by right, which is  
23 the case elsewhere on commercially zoned properties.  
24

25 Retail establishments, banks, bike shops art galleries and other similar general retail  
26 uses are currently allowed by right in the “DC”, Downtown Commercial and “CC”,  
27 Community Commercial Zoning Districts. However, if the property is located within an  
28 entry corridor as defined in the 2003 General Plan Update a Conditional Use Permit  
29 must be obtained subject to the approval of the Planning Commission. Typically, a  
30 person seeking to open a new general retail business in Calistoga looks to lease  
31 commercial space in an existing building in or near the core downtown area. Once a  
32 space is found, the proprietor must obtain Conditional Use Permit approval prior to  
33 making interior improvements and moving into the space. The Conditional Use Permit  
34 process can take several months to complete, during which time the proprietor is often  
35 required to compensate the owner for holding the space open.  
36

37 Over the past few years, Planning and Building Department staff has reviewed  
38 numerous Conditional Use Permit applications to allow the development and operation  
39 of business establishments on commercial properties within the entry corridors. Through  
40 this experience it has become evident to staff that the issues that typically arise during  
41 these reviews are more pertinent to the physical development rather than the operation  
42 of a particular business.

43  
44 Therefore, in the interest of maintaining streamlined development review procedures and  
45 a positive business climate in the community, staff is proposing that certain types of  
46 general business establishments be reviewed and approved administratively rather than  
47 through the Conditional Use Permit process, provided that no new structure or increase  
48 in floor area of 10 percent or more is proposed. New structures or additions greater than  
49 10 percent of the floor area would still require a conditional use permit subject to the  
50 Planning Commission's approval.

51  
52 **PROPOSED TEXT AMENDMENT**

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54 To implement streamlined review procedures for those properties located within both a  
55 Commercial Land Use District and an Entry Corridor, staff proposes that the following  
56 changes to Subsection A of Sections 17.22.040 (Downtown Commercial Zoning District)  
57 and 17.22.060 (Community Commercial Zoning District) of Chapter 17.22 Commercial  
58 Land Use Districts of the Zoning Ordinance, read as follows (additions noted in  
59 underline, deletions noted in ~~strikeout~~):

60  
61 **17.22.040 Downtown commercial (DC) district – Allowed,**  
62 **conditionally permitted and prohibited uses.**

63  
64 *A. The following uses are allowed in the DC district and shall only*  
65 *require ~~a conditional~~ an administrative use permit when located in an*  
66 *entry corridor as defined in the 2003 General Plan Update. When an*  
67 *administrative use permit is required, the administrative use permit shall*  
68 *be processed in the same manner as provided in Section*  
69 *17.22040(A)(9)(b).*

70  
71 **17.22.060 Community commercial (CC) district – Allowed,**  
72 **conditionally permitted and prohibited uses.**

73  
74 *A. The following uses are allowed in the DC district and shall only*  
75 *require ~~a conditional~~ an administrative use permit when located in an*  
76 *entry corridor as defined in the 2003 General Plan Update. When an*  
77 *administrative use permit is required, the administrative use permit shall*  
78 *be processed in the same manner as provided in Section*  
79 *17.22040(A)(9)(b).*

80  
81 For clarity, Section 17.22.040(A)(9)(b) of the Calistoga Municipal Code states,

82  
83 *a. Administrative review and approval by the Planning and Building Director, subject*  
84 *to the following:*

85

- 86        *i. The proposed establishment meets the requirements of all applicable zoning*  
87            *regulations.*
- 88
- 89        *ii. Written notice of the proposed establishment is mailed to all property owners*  
90            *within 300 feet of the subject property. Such notice shall be given not less than*  
91            *10 days before the date the application is scheduled for a decision by the*  
92            *Planning and Building Director.*
- 93
- 94        *iii. No substantial concerns are raised by surrounding property owners or are*  
95            *identified by the Planning and Building Director. If substantial concerns are*  
96            *identified, the proposed establishment shall be referred to the Planning*  
97            *Commission for review and approval pursuant Chapter 17.40 CMC.*  
98

99        These aforementioned administrative review provisions will ensure the City's ability to  
100        require a Conditional Use Permit should substantial concerns be identified.

101

102        **ENVIRONMENTAL REVIEW**

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104        This action has been reviewed pursuant to the California Environmental Quality Act  
105        (CEQA) and determined that this activity is covered by the general rule that CEQA  
106        applies only to projects, which have the potential for causing a significant effect on the  
107        environment, and where it can be seen with certainty that there is no possibility that the  
108        action being contemplated, a change in review procedures for occupancy of existing  
109        commercial spaces by certain types food establishments, will have any impact on the  
110        environment (Section 15061(b)(3)).

111

112        **RECOMMENDATION**

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114        Staff recommends Planning Commission discussion and make a recommendation to the  
115        City Council on the adoption of an Ordinance amending Sections 17.22.040(A) and  
116        17.22.060(A) of the Calistoga Municipal Code, to change review procedures for  
117        occupancy of an existing commercial space by a general retail type establishments, from  
118        a conditionally permitted use to a permitted use, subject to administrative review with  
119        public notice.

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121        **SUGGESTED MOTION**

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123        I move that the Planning Commission adopt Resolution PC 2008-47 recommending to  
124        the City Council adoption of an Ordinance amending Sections 17.22.040(A) and  
125        17.22.060(A) of the Calistoga Municipal Code, to change review procedures for  
126        occupancy of an existing commercial space by a general retail type establishments, from  
127        a conditionally permitted use to a permitted use, subject to administrative review with  
128        public notice.

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130        **ATTACHMENTS**

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- 132        A.        PC Resolution 2008-47
- 133        B.        Chapter 17.22 (Commercial Land Use Districts) of the Zoning Ordinance