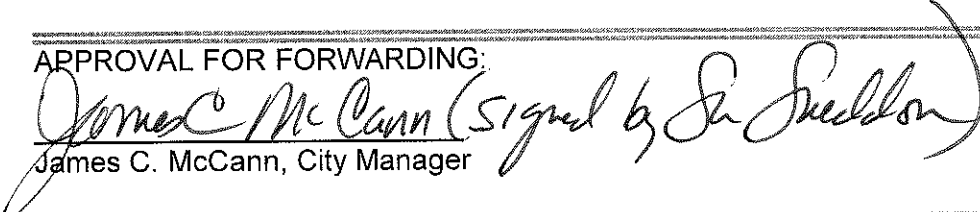


# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Erik V. Lundquist, Associate Planner  
**VIA:** Charlene Gallina, Director of Planning & Building  
**DATE:** December 16, 2008  
**SUBJECT:** Zoning Ordinance Text Amendment (ZO 2008-04)  
Change in Review procedures for Commercial Properties Located in the Entry Corridor

**APPROVAL FOR FORWARDING:**

  
James C. McCann, City Manager

1  
2 **ISSUE:** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of  
3 Calistoga, to amend Chapter 17.22.040(A) Downtown Commercial (DC) District – Allowed,  
4 Conditionally Permitted and Prohibited Uses and 17.22.060(A) Community Commercial (CC)  
5 District – Allowed, Conditionally Permitted and Prohibited Uses of the Calistoga Municipal Code,  
6 to change review procedures for those use(s) located on property within an Entry Corridor, as  
7 defined in the 2003 General Plan Update, from a conditionally permitted use to a use permitted  
8 subject to administrative review with public notice. This proposed action is exempt from the  
9 California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA  
10 Guidelines.

11  
12 **RECOMMENDATION:** Introduce the Ordinance and waive first reading.

13  
14 **BACKGROUND:** In response to the length of time taken to process use permits and the need  
15 to assist new businesses that desire to locate in Calistoga, the City Council and Planning  
16 Commission have directed Staff to investigate measures to streamline the entitlement process.  
17 After some review of the current Commercial Land Use District, Chapter 17.22 and discussions  
18 with several property owners who own commercial property, it was found that certain uses  
19 proposed on properties within an Entry Corridor are required to obtain a Conditional Use Permit  
20 rather than those uses being allowed by right, which is the case elsewhere on commercially  
21 zoned properties.

22  
23 Retail establishments, banks, bike shops art galleries and other similar general retail uses are  
24 currently allowed by right in the “DC”, Downtown Commercial and “CC”, Community  
25 Commercial Zoning Districts. However, if the property is located within an Entry Corridor as

26 defined in the 2003 General Plan Update a Conditional Use Permit must be obtained subject to  
27 the approval of the Planning Commission. Typically, a person seeking to open a new general  
28 retail business in Calistoga looks to lease commercial space in an existing building in or near  
29 the core downtown area. Once a space is found, the proprietor must obtain Conditional Use  
30 Permit approval prior to making interior improvements and moving into the space. The  
31 Conditional Use Permit process can take several months to complete, during which time the  
32 proprietor is often required to compensate the owner for holding the space open.

33  
34 Over the past few years, Planning and Building Department staff has reviewed numerous  
35 Conditional Use Permit (CUP) applications to allow the development and operation of business  
36 establishments on commercial properties within the Entry Corridors. Through this experience it  
37 has become evident to staff that the issues that typically arise during these reviews are more  
38 pertinent to the physical development rather than the operation of a particular business.

39  
40 Therefore, in the interest of maintaining streamlined development review procedures and a  
41 positive business climate in the community, staff is proposing that the CUP for certain types of  
42 general business establishments be reviewed and approved administratively rather than through  
43 the more involved Planning Commission public hearing process, provided that no new structure  
44 or increase in floor area of 10 percent or more is proposed.

45  
46 **DISCUSSION:** To implement streamlined review procedures for those properties located within  
47 both a Commercial Land Use District and an Entry Corridor, the Planning Commission  
48 recommended that the following changes to Subsection A of Sections 17.22.040 (Downtown  
49 Commercial Zoning District) and 17.22.060 (Community Commercial Zoning District) of Chapter  
50 17.22 Commercial Land Use Districts of the Zoning Ordinance, read as follows (additions noted  
51 in underline, deletions noted in ~~strikeout~~):

52  
53 **17.22.040 Downtown commercial (DC) district – Allowed, conditionally**  
54 **permitted and prohibited uses.**

55  
56 *A. The following uses are allowed in the DC district and shall only require a*  
57 *conditional an administrative use permit when located in an entry corridor as*  
58 *defined in the 2003 General Plan Update. When an administrative use permit is*  
59 *required, the administrative use permit shall be processed in the same manner*  
60 *as provided in Section 17.22040(A)(9)(b).*

61  
62 **17.22.060 Community commercial (CC) district – Allowed, conditionally**  
63 **permitted and prohibited uses.**

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

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

71  
72 *b. Administrative review and approval by the Planning and Building Director, subject to the*  
73 *following:*

74  
75 *i. The proposed establishment meets the requirements of all applicable zoning*  
76 *regulations.*

77  
78 *ii. Written notice of the proposed establishment is mailed to all property owners*  
79 *within 300 feet of the subject property. Such notice shall be given not less than*  
80 *10 days before the date the application is scheduled for a decision by the*  
81 *Planning and Building Director.*

82  
83 *iii. No substantial concerns are raised by surrounding property owners or are*  
84 *identified by the Planning and Building Director. If substantial concerns are*  
85 *identified, the proposed establishment shall be referred to the Planning*  
86 *Commission for review and approval pursuant Chapter 17.40 CMC.*

87  
88 These aforementioned administrative review provisions will ensure the City's ability to require a  
89 Conditional Use Permit should substantial concerns be identified.

90  
91 **PUBLIC COMMENT:** On November 12, 2008 the Planning Commission received and  
92 considered public testimony. Kristen Casey, 1132 Denise Drive, read and submitted a letter for  
93 the record dated November 12, 2008, see attached. In response to Ms. Casey's comments, the  
94 Commission recommended a review of the Ordinance 6 months after its codification.

95  
96 **ENVIRONMENTAL REVIEW:** This action has been reviewed pursuant to the California  
97 Environmental Quality Act (CEQA) and determined that this activity is covered by the general  
98 rule that CEQA applies only to projects, which have the potential for causing a significant effect  
99 on the environment, and where it can be seen with certainty that there is no possibility that the  
100 action being contemplated, a change in review procedures for occupancy of existing commercial  
101 spaces by certain types food establishments, will have any impact on the environment (Section  
102 15061(b)(3)).

103  
104 **FISCAL IMPACT:** The adoption of this Ordinance will create no direct fiscal impacts.

105  
106 **ATTACHMENTS:**

- 107 1. Draft Ordinance  
108 2. Location Map of Affected Properties  
109 3. Letter received from Kristen Casey dated November 12, 2008  
110 4. Planning Commission Resolution PC 2008-47  
111 5. Staff Report from the November 12, 2008 Planning Commission meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING TITLE 17.22, COMMERCIAL LAND USE DISTRICTS OF THE MUNICIPAL CODE, SPECIFICALLY REVISING SECTIONS 17.22.040(A) AND 17.22.060(A) TO ALLOW FOR CERTAIN TYPES OF BUSINESS ESTABLISHMENTS AT ENTRY CORRIDORS WITHIN THE "DC", DOWNTOWN COMMERCIAL AND "CC", COMMUNITY COMMERCIAL ZONING DISTRICTS TO BE REVIEWED AND APPROVED ADMINISTRATIVELY.

The City Council of the City of Calistoga does hereby ordain as follows:

**SECTION ONE:**

**WHEREAS**, the City Council finds that the City's Zoning Ordinance and Zoning Map were adopted by Ordinance No. 460 on February 5, 1991; and

**WHEREAS**, the Planning Commission considered the proposed revisions to the City's Commercial Land Use District regulations at its regular meeting on November 12, 2008. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on this Zoning Ordinance Text Amendment on November 12, 2008 and adopted Resolution No. 2008-47 forwarding a recommendation of an approval of this Ordinance by the City Council; and

**WHEREAS**, the City Council of the City of Calistoga has reviewed and considered this text amendment at its regular meeting on December 16, 2008 as one of its items of business, noticed in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

**WHEREAS**, the City Council finds that the proposed revisions will not limit the City's ability to require Conditional Use Permit review of a proposed business should substantial concerns be identified; and

**WHEREAS**, the City Council finds that the proposed revisions provide a streamlined approach to processing applications and preserves the qualities that make the community unique in manner that is consistent with the General Plan's desire to preserve and protect the "country town" appearance; and

**WHEREAS**, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION TWO:**

Subsection (A) of Sections 17.22.040 and 17.22.060 in Chapter 17.22 Commercial Land Use Districts of the Calistoga Municipal Code shall read in their entirety as follows (additions noted in underline, deletions noted in "~~strikethrough~~");

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

46 A. *The following uses are allowed in the DC district and shall only require a*  
47 *conditional an administrative use permit when located in an entry corridor as defined*  
48 *in the 2003 General Plan Update. When an administrative use permit is required, the*  
49 *administrative use permit shall be processed in the same manner as provided in*  
50 *Section 17.22.040(A)(9)(b).*  
51

- 52 1. Resident-serving retail and service uses, including, but not limited to: grocery stores;  
53 fruit and vegetable markets; bicycle sales and repair shops; furniture sales; audio-  
54 video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry  
55 cleaning, not including processing plants; laundromats; tailors; shoe repair; retail  
56 sales and repair of household goods and appliances; and hobby and craft shops;  
57
- 58 2. Newsstands and bookstores;
- 59
- 60 3. Personal service establishments, such as spas, beauty salons, and barbershops;
- 61
- 62 4. Business and professional offices, such as for accountants, lawyers, architects,  
63 engineers, realtors, and financial advisors;
- 64
- 65 5. Medical and dental clinics;
- 66
- 67 6. Banks and financial institutions, without drive-up or walk-up facilities;
- 68
- 69 7. Art galleries;
- 70
- 71 8. Antique stores;
- 72
- 73 9. Restaurants, bakeries, café's and other similar uses, with or without outdoor seating,  
74 pursuant to the following:  
75
  - 76 a. The proposed establishment meets all of the following criteria:  
77
    - 78 i. The establishment is located in an existing commercial space and  
79 does not require an expansion that would increase the square footage  
80 of the existing floor area by more than 10%; and
    - 81
    - 82 ii. No live entertainment or dancing is being proposed; and
    - 83
    - 84 iii. No outdoor seating is being proposed in a public right-of-way; and
    - 85
    - 86 iv. The establishment is not a formula business or formula restaurant.
    - 87
  - 88 b. Administrative review and approval by the Planning and Building Director,  
89 subject to the following:  
90
    - 91 i. The proposed establishment meets the requirements of all applicable  
92 zoning regulations.
    - 93

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- ii. Written notice of the proposed establishment is mailed to all property owners within 300 feet of the subject property. Such notice shall be given not less than 10 days before the date the application is scheduled for a decision by the Planning and Building Director.
  - iii. No substantial concerns are raised by surrounding property owners or are identified by the Planning and Building Director. If substantial concerns are identified, the proposed establishment shall be referred to the Planning Commission for review and approval pursuant Chapter 17.40 CMC.
10. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.

108  
109  
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**17.22.060 Community commercial (CC) district – Allowed, conditionally permitted and prohibited uses.**

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116

*A. The following uses are allowed in the CC district and shall only require a conditional an administrative use permit when located in an entry corridor as defined in the 2003 General Plan Update. When an administrative use permit is required, the administrative use permit shall be processed in the same manner as provided in Section 17.22.040(A)(9)(b).*

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- 1. Resident-serving retail and service uses including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales and repair shops; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
  - 2. Newsstands and bookstores;
  - 3. Personal service establishments, such as spas, beauty salons, and barbershops;
  - 4. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors;
  - 5. Medical or dental clinics;
  - 6. Banks and financial institutions, without drive-up facilities;
  - 7. Veterinary clinics, without boarding facilities;
  - 8. Dance studios and schools;
  - 9. Art galleries;

142 10. Uses determined by the Planning Commission to be similar in nature, as  
143 provided for according to the procedures in Chapter 17.02 CMC.  
144

145 **SECTION THREE:**  
146

147 If any section or portion of this ordinance is for any reason held to be invalid and/or  
148 unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the  
149 remaining portions of this ordinance.  
150

151 **SECTION FOUR:**  
152

153 **THIS ORDINANCE** shall take effect thirty (30) days after its passage and before the  
154 expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a  
155 newspaper of general circulation published and circulated in the City of Calistoga.  
156

157 **THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City  
158 of Council meeting of the \_\_\_\_\_ day of \_\_\_\_\_, 2008 and was passed and adopted at a  
159 regular meeting of the Calistoga City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2008 by the  
160 following vote:  
161

162 **AYES:**

163 **NOES:**

164 **ABSENT/ABSTAIN:**  
165

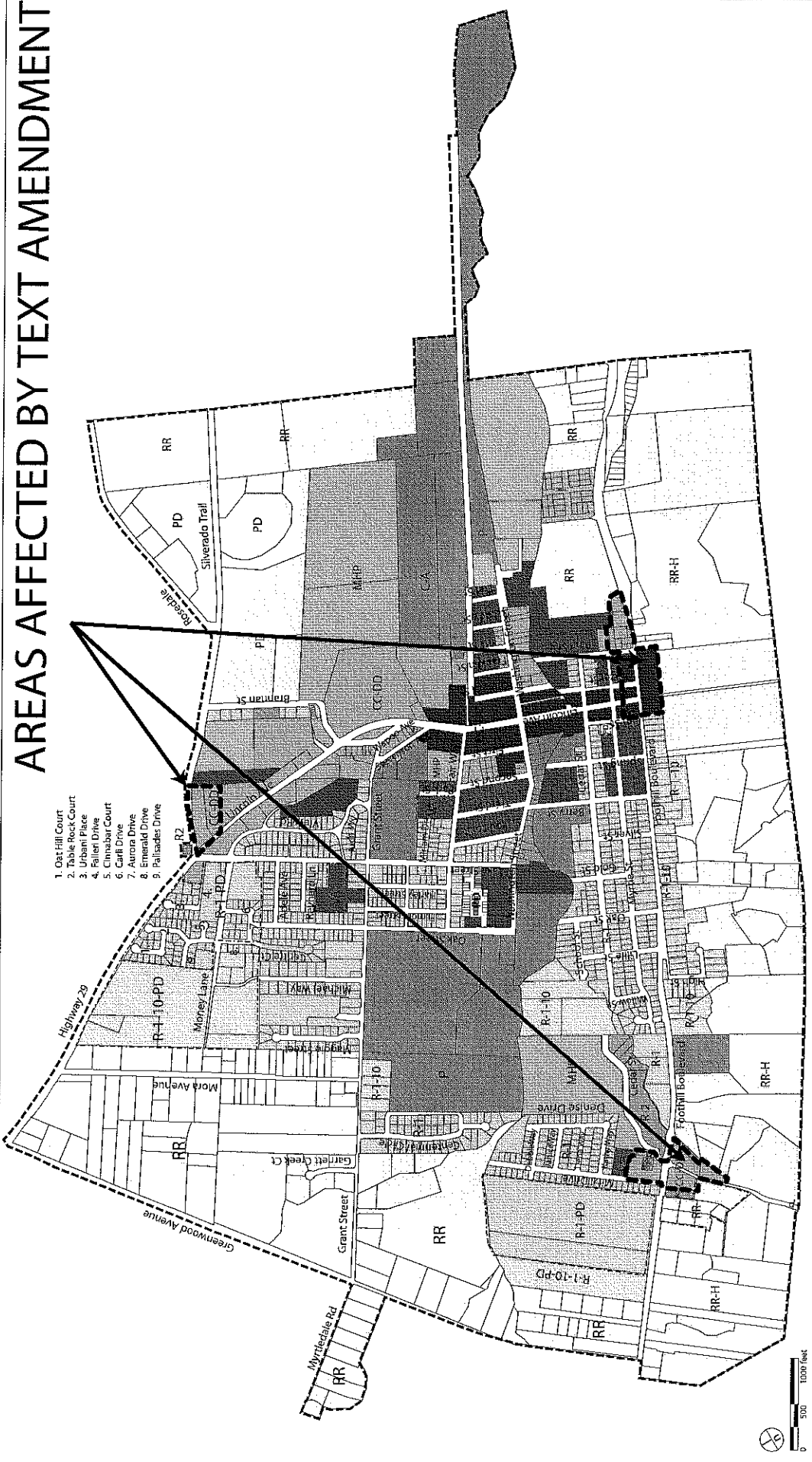
166 \_\_\_\_\_  
**JACK GINGLES, Mayor**

167 **ATTEST:**  
168

169 \_\_\_\_\_  
170  
171 **SUSAN SNEDDON, City Clerk**  
172

# AREAS AFFECTED BY TEXT AMENDMENT

1. Oak Hill Court
2. Thick Rock Court
3. Urbana Place
4. Palmetto Drive
5. Chesbar Court
6. Carli Drive
7. Avon Drive
8. Emerald Drive
9. Palisades Drive



## CITY OF CALISTOGA - ZONING MAP

ZONING DISTRICT MAP ADOPTED FEBRUARY 5, 1991

\*MAP AMENDMENTS:  
 Ordinance 596 adopted November 18, 2003 - Saratoga Manor  
 Ordinance 609 adopted August 17, 2004 - APN 011-050-043 & 044  
 Ordinance 612 adopted February 1, 2005 - APN 011-043-001 and Use Districts and Others  
 Ordinance 634 adopted November 21, 2005 - APN 011-043-007  
 Ordinance 639 adopted May 15, 2007 - Mobile Home Park District  
 \*Map Amendments prior to Ordinance 596 not listed.

	RR-Rural Residential		R-3-VA-Visitor Accommodation		P-Public/Quasi Public
	RR-H-Rural Residential Hillside		DC-DD-Downtown Commercial Design District Overlay		PD-Planned Development
	R1-Single Family Residential		CC-DD-Community Commercial Design District Overlay		C-A-Commercial Airport
	R1-10-PD-Single Family Residential Planned Development		I-Light Industrial		MHP-Mobile Home Park District
	R-2-Multiple Family				
	R-3-Residential/Professional Office				



**Kristin Casey  
1132 Denise Drive  
Calistoga, CA 94515**

November 12, 2008

To: Chairman Manfredi and Planning Commission Members  
Re: Concerns About Staff Proposal to Reduce Use Permit Review in Entry Corridors

I have read with alarm the Staff proposal to "change review procedures for those uses located on property within an entry corridor" and to delete our current requirement of Planning Commission review for uses in our Entry Corridors (including Gateways), pursuant to the conditional use permit procedure.

Having worked on the revision of Calistoga's General Plan for several years, I am aware of what our intentions were when we chose to make our gateway/ entry corridor areas special. This was a decision based upon our intention to protect our small town character, including all of our entrances to town, from inappropriate development. We specifically did not want development in these critical areas to be subject to a simple administrative review by staff, but rather to be considered in a public forum by our fellow citizens who are serving on the Planning Commission. Those of use who live here and care about how development proceeds in Calistoga's entrance areas prefer to have all such discussions be fully transparent, open to the public, and subject to an initial determination by our Planning Commissioners.

I admire the expertise of our City staff, but the reality is that they have recently brought us two dreadful proposals: (1) First, a request to the Planning Commission to consider under what circumstances the Commissioners would okay a Rite Aid store at the Petrified Forest gateway to town – and this in spite of the very clearly worded intentions in our General Plan to prohibit any such development in a gateway or entry corridor area; and (2) Second, a suggestion that Calistoga should expand its sphere of influence so that it could eventually become larger at the expense of surrounding agricultural preserve land.

Our General Plan policy regarding preservation of corridor and gateway areas is quite clear. To begin chipping away at our intention of protecting the gateways and entry corridors from development that Calistoga citizens clearly don't want, is a serious concern. Rather than working to water down the review process for these important areas, shouldn't Staff be making our Ordinances consistent with the General Plan?

Thank you for your consideration of my concerns. Please do not follow the Staff recommendation to weaken the Ordinances in question. Please continue to honor the spirit of our General Plan and to do all in your power to preserve the entrances to our town, including reserving for yourselves the right to review use permit applications in the entry corridor/ gateway areas.

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2008-47**

**A RESOLUTION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL FOR THE ADOPTION OF AN ORDINANCE AMENDING TITLE 17.22, COMMERCIAL LAND USE DISTRICTS OF THE MUNICIPAL CODE, SPECIFICALLY REVISING SECTIONS 17.22.040(A) AND 17.22.060(A) TO ALLOW FOR CERTAIN TYPES OF BUSINESS ESTABLISHMENTS AT ENTRY CORRIDORS IN THE “DC”, DOWNTOWN COMMERCIAL AND “CC”, COMMUNITY COMMERCIAL ZONING DISTRICTS TO BE REVIEWED AND APPROVED ADMINISTRATIVELY.**

1  
2       **WHEREAS**, the Planning Commission considered the proposed revisions to the City’s  
3 review procedures for general business establishments in the “DC”, Downtown Commercial and  
4 “CC”, Community Commercial Zoning District at its regular meeting on November 12, 2008.  
5 Prior to taking action on the proposed revisions, the Planning Commission received written and  
6 oral reports by the staff, and received public testimony; and  
7

8       **WHEREAS**, the Planning Commission finds the proposed revisions to the City’s review  
9 procedures for general retail business establishments located at entry corridors in the DC and  
10 CC Zoning Districts as provided for in Exhibit A are necessary and proper for maintaining a  
11 positive business climate in the community; and  
12

13       **WHEREAS**, the Planning Commission finds that the proposed revisions will not limit the  
14 City’s ability to require Conditional Use Permit review of a proposed business should substantial  
15 concerns be identified; and  
16

17       **WHEREAS**, the Planning Commission finds that the proposed revisions provide a  
18 streamlined approach to processing applications and preserves the qualities that make the  
19 community unique in manner that is consistent with the General Plan’s desire to preserve and  
20 protect the “country town” appearance; and  
21

22       **WHEREAS**, the Planning Commission has been determined this action to not be subject  
23 to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA  
24 Guidelines.  
25

26       **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission  
27 that, based on the above findings, the proposed amendment pertaining to review and approval  
28 of certain businesses located at entry corridors in the DC and CC Zoning District is forwarded to  
29 the City Council with a recommendation of adoption.  
30

31       **NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City of Calistoga Planning  
32 Commission that it is necessary to review and/or revisit this Ordinance 6 months after its  
33 codification to ensure the Ordinance is fulfilling its original intent.  
34

35       **PASSED, APPROVED, AND ADOPTED** on November 12, 2008, by the following vote  
36 of the Calistoga Planning Commission:  
37

38 AYES:

39 NOES:

40 ABSENT/ABSTAIN  
41

42 \_\_\_\_\_  
43 Jeff Manfredi, Chair

44 ATTEST: \_\_\_\_\_

45 Kathleen Guill

Secretary to the Planning Commission

**EXHIBIT A**

**PLANNING COMMISSION RECOMMENDATION**

**DRAFT SUBSECTION TO ALLOW FOR CERTAIN TYPES OF BUSINESS ESTABLISHMENTS AT ENTRY CORRIDORS IN THE “DC”, DOWNTOWN COMMERCIAL AND “CC”, COMMUNITY COMMERCIAL ZONING DISTRICTS TO BE REVIEWED AND APPROVED ADMINISTRATIVELY.**

1  
2 Amend Subsections 17.22.040(a) and 17.22.060(a) Downtown Commercial (DC)  
3 and Community Commercial (CC) Districts – allowed, conditionally permitted and  
4 prohibited uses to allow for certain types of business establishments to be  
5 reviewed and approved administratively. Additions noted in underline, deletions  
6 noted in “~~strikethrough~~”.

7  
8 **17.22.040 Downtown commercial (DC) district – Allowed,**  
9 **conditionally permitted and prohibited uses.**

10  
11 A. The following uses are allowed in the DC district and shall only  
12 require ~~a conditional~~ an administrative use permit when located in an  
13 entry corridor as defined in the 2003 General Plan Update. When an  
14 administrative use permit is required, the administrative use permit shall  
15 be processed in the same manner as provided in Section  
16 17.22040(A)(9)(b).

17  
18  
19 **17.22.060 Community commercial (CC) district – Allowed,**  
20 **conditionally permitted and prohibited uses.**

21  
22 A. The following uses are allowed in the CC district and shall only  
23 require ~~a conditional~~ an administrative use permit when located in an  
24 entry corridor as defined in the 2003 General Plan Update. When an  
25 administrative use permit is required, the administrative use permit shall  
26 be processed in the same manner as provided in Section  
27 17.22040(A)(9)(b).  
28

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**

---

1  
2 **REQUEST:**  
3

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:**  
15

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**

53

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 <sup>cc</sup>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**  
103

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**  
113

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.  
120

121       **SUGGESTED MOTION**  
122

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.  
129

130       **ATTACHMENTS**  
131

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