



CITY OF CALISTOGA

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STAFF REPORT

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TO: Honorable Mayor and City Council
FROM: Lynn Goldberg
DATE: November 20, 2018
Amending Calistoga Municipal Code to Add Definitions, Provide
Consistent Wording and Formatting, and Clarify the Applicability of Lot
SUBJECT: Area and Dimension Requirements (ZOA 2018-3)

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SIGNATURE:

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DYLAN FEIK, City Manager

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DESCRIPTION: Amending Calistoga Municipal Code to Add Definitions, Provide
Consistent Wording and Formatting, and Clarify the Applicability of Lot Area and
Dimension Requirements (ZOA 2018-3)

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RECOMMENDATION:

Introduce draft ordinance and waive its first reading.

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SUMMARY:

During the Planning Commission's consideration of the design review application for the
apartment project at 1514 Washington Street, members of the public asserted that the
project could not be approved because the corner lot did not meet the minimum lot area
and lot dimension requirements for the R-3 District .(1)

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Specifically, Calistoga Municipal Code (CMC) Section 17.19.040 includes the following
in the R-3 Multi-Family Residential/Office Zoning District(emphasis added):

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The following standards apply to development within the R-3 district:

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A. *Minimum lot area shall be:*

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1. *Corner lots: 10,000 square feet*

- 27 B. *Minimum lot width shall be:*
- 28 1. *Corner lots: 100 square feet*

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30 There is no language in the Municipal Code that expressly states minimum lot area and
 31 dimensions apply only to subdivisions of land or lot line adjustments. However, the
 32 provision – in practice and application – has been interpreted by staff, and validated
 33 through decision-making bodies (i.e., the Planning Commission and City Council), to
 34 refer only to land subdivisions and lot line adjustments.

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36 The minimum lot area and dimension requirements have not been applied when
 37 property owners/applicants seek planning entitlements or building permits for existing
 38 lots that were lawfully created prior to adoption of the relevant zoning district's
 39 regulations. To interpret the Code otherwise would preclude owners of a substantial
 40 number of lots in the city from any further development on their properties. In most
 41 cases, the City cannot lawfully prohibit further development on a legally-created lot
 42 without providing some form of compensation to the property owner. Accordingly,
 43 because these provisions must be interpreted against this background law, the common
 44 sense interpretation of these provisions and the intent of the City Council in passing the
 45 ordinance containing Section 17.19.040 (and possibly other Code sections referring to
 46 minimum lot areas and dimensions) would have been that these provisions apply to
 47 future subdivisions and not to lots in existence at the time.

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49 For example, strictly applying the minimum lot area and dimension requirements to the
 50 six properties on the east side of 4th Street that are improved with single-family
 51 residences would prevent further “development” on any of them. While the properties
 52 meet the minimum lot depth requirement, none meet the minimum lot width regulation,
 53 and only one includes the minimum lot area.

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| Address | Lot Area | Lot Width |
|----------|------------------------|----------------------|
| | <u>9,000 sf. reqd.</u> | <u>90 feet reqd.</u> |
| 1406 4th | 6,534 sq. ft. | 55 feet |
| 1410 4th | 7,405 sq. ft. | 60 feet |
| 1412 4th | 10,018 sq. ft. | 80 feet |
| 1418 4th | 7,405 sq. ft. | 60 feet |
| 1424 4th | 7,849 sq. ft. | 60 feet |
| 1428 4th | 7,405 sq. ft. | 60 feet |

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57 While the Zoning Code does not define “development,” it would be reasonable to
 58 consider the construction of accessory structures or residential additions as such.
 59 Strictly interpreting the current provision would therefore prohibit these types of
 60 improvements on any properties that do not meet the minimum lot area, lot width or lot
 61 depth requirements.

63 **PROPOSED CODE AMENDMENTS:** The proposed Zoning Code amendments are
64 summarized below.

65 • In order to clarify the applicability of minimum lot area, width and depth
66 requirements, eight zoning districts would be revised to create sections for these
67 requirements that are separate from each district's "development standards" sections. In
68 most districts, this would be achieved by replacing a district's currently-separate "height
69 limits" section with the lot area/width/depth regulations, and moving the height limitation
70 provisions to the development standards sections, which is where they should logically
71 be located.

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73 • Other proposed amendments include reformatting the various development
74 standards sections so that the standards are arranged in the same order for each
75 zoning district (e.g., setbacks, followed by lot coverage and building height) and using
76 the same language for each standard for quick reference. Attachment 2 shows the
77 current arrangement and wording of regulations for each of the affected zoning districts
78 and the proposed reformatting and rewording. No development standards would be
79 altered as part of this proposed reformatting and rewording.

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81 • An "Other Development Standards" section would be added to the Public and
82 Light Industrial District chapters, which have been added over time to the other zoning
83 districts.

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85 • Although the phrases are used throughout the Zoning Code, it does not include
86 definitions for "interior side yard" and "street side yard." Standard definitions for these
87 phrases would be added.

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89 • Lastly, Chapter 17.44 "Nonconforming Uses" would be renamed to
90 "Nonconforming Lots, Structures and Uses" and the following section would be added to
91 stipulate that the development of, subject to compliance with its other provisions:

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93 17.44.060 Nonconforming lots.

94 The minimum lot area and minimum lot dimensions prescribed for each zoning
95 district apply to applications for new land subdivisions and lot line adjustments.
96 They are not intended to prevent the development, subject to compliance with
97 other provisions of Title 17, of a pre-existing lot which was legally created but does
98 not meet the minimum required lot area or dimensions applicable to the zoning
99 district for such lot.

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101 **PLANNING COMMISSION REVIEW:** The Planning Commission considered the
102 proposed amendments at a public hearing on September 26, 2018, and adopted PC
103 Resolution 2018-17, recommending their adoption.

104 Several members of the public expressed concern during the public hearing that the
105 proposed language for Section 17.44.060, Nonconforming lots, would exempt the
106 development of these lots from having to comply with the Code's development
107 standards. Staff committed to referring the draft ordinance to the City Attorney for

108 review to ensure that the proposed wording addresses this concern, and has revised
109 the section to reflect their guidance.

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112 (1) The property is 9,230 square feet and 93.58 feet wide, both of which are less than the required
113 minimum

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115 **CEQA REVIEW:**
116 The proposed Zoning Code amendments have been reviewed in accordance with the
117 California Environmental Quality Act and the City has determined that CEQA Guidelines
118 Section 15061(b)(3), the “general rule” exemption, applies because it can be seen with
119 certainty that there is no possibility that the amendments may have a significant effect
120 on the environment. Therefore, the proposed action is exempt from CEQA.

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122 **ATTACHMENTS:**
123 1. Draft Ordinance
124 2. Proposed Reorganization of Selected Zoning District Standards
125 3. Excerpt from Planning Commission minutes from September 26, 2018 meeting