



CITY OF CALISTOGA

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg
DATE: December 4, 2018
Ordinance No. 740 Creating Text Amendments to Calistoga Municipal Code Title 17 Zoning to add definitions, provide consistent wording and formatting, and clarify the applicability of lot area and dimension requirements. (Zoning Code Amendment ZOA 2018-3) (Second Reading)
SUBJECT: Reading)

SIGNATURE:

DYLAN FEIK, City Manager

DESCRIPTION: Ordinance No. 740 Creating Text Amendments to Calistoga Municipal Code Title 17 Zoning to add definitions, provide consistent wording and formatting, and clarify the applicability of lot area and dimension requirements. (Zoning Code Amendment ZOA 2018-3) (Second Reading)

RECOMMENDATION: Adopt Ordinance No. 740.

SUMMARY:

On November 20, 2018, following a public hearing, the City Council introduced and waived the first reading of the attached ordinance.

CEQA REVIEW:

The proposed Zoning Code amendments have been reviewed in accordance with the California Environmental Quality Act and the City has determined that CEQA Guidelines Section 15061(b)(3), the "general rule" exemption, applies because it can be seen with

certainty that there is no possibility that the amendments may have a significant effect on the environment. Therefore, the proposed action is exempt from CEQA.

ATTACHMENTS:

1. Ordinance No. 740

ORDINANCE NO. 740

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING CALISTOGA MUNICIPAL CODE TITLE 17, ZONING, TO CLARIFY THE APPLICABILITY OF LOT AREA AND DIMENSION REQUIREMENTS IN VARIOUS ZONING DISTRICTS, AND TO REFORMAT CERTAIN CHAPTERS TO IMPROVE THEIR USABILITY (ZOA 2018-3)

1 **WHEREAS**, certain language contained in multiple chapters of Title 17, Zoning,
2 of the Calistoga Municipal Code (CMC) could be erroneously interpreted to mean that
3 existing lots that were lawfully created prior to adoption of the relevant zoning district's
4 regulations cannot be developed in accordance with Title 17 if they do not meet
5 minimum lot area and/or lot dimensions; and

6 **WHEREAS**, to interpret the Code otherwise would preclude owners of a
7 substantial number of lawfully-created lots in the city from any further development on
8 their properties; and

9 **WHEREAS**, formatting all of the zoning districts' development standards in the
10 same manner improves the Code's usability; and

11 **WHEREAS**, the Planning Commission reviewed the proposed amendments at a
12 public hearing on September 26, 2018 and adopted PC Resolution 2018-17
13 recommending their approval to the City Council; and

14 **WHEREAS**, during its review, the City Council considered the public record,
15 including the staff report, findings, and any written materials and testimony presented by
16 the public during the hearing.

17 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
18 **ORDAIN AS FOLLOWS:**

19 **SECTION ONE**

20 Findings: The above recitals are incorporated herein as if set forth herein in full
21 and each is relied upon independently by the City Council for its adoption of this
22 ordinance.

23 **SECTION TWO**

24 Title 17, Zoning, of the Calistoga Municipal Code is hereby amended as set forth
25 in Exhibit A attached hereto.

26 **SECTION THREE**

27 Environmental Review. This action has been reviewed in accordance with the
28 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the
29 "general rule" exemption. The City has determined that because it can be seen with
30 certainty that there is no possibility that the proposed amendments will have an impact
31 on the environment, this ordinance is exempt from CEQA under the general rule.

32 **SECTION FOUR**

33 Severability. If any section, subsection, subdivision, paragraph, sentence,
34 clause, or phrase in this ordinance or any part thereof is for any reason held to be

35 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
36 decision shall not affect the validity or effectiveness of the remaining portions of this
37 ordinance or any part thereof. The City Council hereby declares that it would have
38 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
39 thereof irrespective of the fact that any one or more subsections, subdivisions,
40 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or
41 ineffective.

42 **SECTION FIVE**

43 Effective Date. This Ordinance shall take effect thirty (30) days after its passage
44 and before the expiration of fifteen (15) days after its passage, shall be published in
45 accordance with law, in a newspaper of general circulation published and circulated in
46 the City of Calistoga.

47 THIS ORDINANCE was introduced with the first reading waived at the City of
48 Calistoga City of Council meeting of the **20th day of November, 2018**, and was passed
49 and adopted at a regular meeting of the Calistoga City Council on the **4th day of**
50 **December, 2018**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chris Canning, Mayor

ATTEST:

Kathy Flamson, City Clerk

Exhibit A

Chapter 17.04 Definitions

51 **1. Calistoga Municipal Code (“CMC”) Section 17.04.665 is hereby added as**
52 **follows:**

53 17.04.665 Yard, interior side

54 “Interior side yard” shall mean that area of a lot lying between a side lot line that is
55 shared with another lot, and the building setback line.

56 **2. Calistoga Municipal Code Section 17.04.690 is hereby added as follows:**

57 17.04.690 Yard, street side

58 “Street side yard” shall mean that area of a lot lying between a side lot line that is
59 adjacent to a street, and the building setback line.

Chapter 17.14 Rural Residential District

60 **3. CMC Sections 17.14.030 and 17.14.040 are hereby amended to read in their**
61 **entirety as follows:**

62 17.14.030 Lot area and dimensions.

63 Minimum lot area and lot dimensions in the RR District are as follows.

64 A. Minimum lot area is as follows, except that the maximum allowable density shall
65 be determined by the Rural Residential Land Use Designation of the Calistoga
66 General Plan:

67 1. 80,000 square feet if both on-site water and wastewater disposal are
68 proposed

69 2. 40,000 square feet if either on-site water or wastewater disposal is proposed

70 3. 20,000 square feet if city water and wastewater services are provided

71 B. Minimum lot width: 100 feet

72 C. Minimum lot depth: 200 feet

73 17.14.040 Development standards.

74 The following standards apply to development within the RR District.

75 A. Minimum setbacks for principal buildings are as follows.

76 1. Front yard: 20 feet

77 2. Interior side yard: 10 feet, except that 20 feet is required for nonresidential

78 3. Street side yard, corner lot: 15 feet

79 4. Street side yard, reverse corner lot: 20 feet

80 5. Rear yard: 20 feet

81 B. Minimum setbacks for accessory buildings and structures shall be maintained as
82 provided by CMC 17.38.050.

83 C. Maximum lot coverage: 30 percent

84 D. Maximum height of buildings and structures: 25 feet

Chapter 17.16 R-1 and R-1-10 One-Family Residential Districts

85 **4. CMC Sections 17.16.030 and 17.16.040 are amended to read in their entirety as**
86 **follows:**

87 17.16.030 Lot area and dimensions.

88 A. Minimum lot area and lot dimensions in the R-1 District are as follows.

- 89 1. Corner lots: 7,000 square feet
- 90 2. Interior lots: 6,000 square feet
- 91 3. Lot width
 - 92 a. Interior: 60 feet
 - 93 b. Corner: 70 feet
- 94 4. Lot depth: 100 feet

95 B. Minimum lot area and lot dimensions in the R-1-10 District are as follows.

- 96 1. Corner lots: 12,000 square feet
- 97 2. Interior lots: 10,000 square feet
- 98 3. Lot width
 - 99 a. Interior: 100 feet
 - 100 b. Corner: 120 feet
- 101 4. Lot depth: 100 feet

102 17.16.040 Development standards.

103 The following standards apply to development within the R-1 and R-1-10 Districts.

104 A. Minimum setbacks for principal buildings are as follows.

- 105 1. Front yard: 20 feet
- 106 2. Side yards shall be not less than one-half the height of the building; provided,
107 that:
 - 108 a. The interior side yard for a one-story building the height of which is less
109 than 15 feet shall not be required to be more than 5 feet
 - 110 b. An interior side yard shall be not less than 5 feet nor be required to be
111 more than 15 feet
 - 112 c. Street side yard, corner lot: 15 feet
 - 113 d. Street side yard, reverse corner lot: 20 feet

114 3. Rear yard: 20 feet

115 B. Minimum setbacks for accessory buildings and structures are as follows.

- 116 1. Setbacks for accessory buildings and structures shall be maintained as
117 provided by CMC 17.38.050.
- 118 2. Notwithstanding subsection (B)(1) of this section, for garages and carports
119 opening onto a street, the minimum distance between the opening of such
120 garage or carport and the lot line shall be 20 feet.

121 C. Maximum lot coverage: 30 percent, except as provided by CMC 17.38.050

122 D. Maximum building height: 25 feet

Chapter 17.18 R-2 Two-Family Residential District

123 **5. CMC Sections 17.18.030 and 17.18.040 are amended to read in their entirety as**
124 **follows:**

125 17.18.030 Lot area and dimensions.

126 Minimum lot area and lot dimensions in the R-2 District are as follows.

127 A. Corner lot area: 10,000 square feet

128 B. Interior lot area: 9,000 square feet

129 C. Lot width

130 1. Interior: 90 feet

131 2. Corner: 100 feet

132 D. Lot depth: 100 feet

133 17.18.040 Development standards.

134 The following standards apply to development within the R-2 District.

135 A. Minimum setbacks for principal buildings are as follows.

136 1. Front yard: 20 feet

137 2. Side yards shall be not less than one-half the height of the building; provided,
138 that:

139 a. The interior side yard for a one-story building the height of which is less
140 than 15 feet shall not be required to be more than 5 feet.

141 b. An interior side yard shall be not less than 5 feet nor be required to be
142 more than 15 feet.

143 c. The street side yard for a corner lot shall be not less than 15 feet.

144 d. The street side yard for a reverse corner lot shall be not less than 20 feet.

145 3. Rear yard: 20 feet

146 B. Minimum setbacks for accessory buildings and structures are as follows.

147 1. Setbacks for accessory buildings and structures from the property lines and
148 other structures shall be maintained as provided by CMC 17.38.050.

149 2. For garages and carports opening onto a street, the minimum distance
150 between the opening of such garage or carport and the lot line shall be 20
151 feet.

152 C. Maximum lot coverage: 40 percent

153 D. Maximum height of buildings and structures: 25 feet.

Chapter 17.19 R-3 Multifamily Residential/Office District

154 **6. CMC Sections 17.19.030 and 17.19.040 are amended to read in their entirety as**
155 **follows:**

156 17.19.030 Lot area and dimensions.

157 Minimum lot area and lot dimensions in the R-3 District are as follows.

- 158 A. Minimum lot area
- 159 1. Corner lots: 10,000 square feet
- 160 2. Interior lots: 9,000 square feet
- 161 B. Minimum lot width
- 162 1. Corner lots: 100 feet
- 163 2. Interior lots: 90 feet
- 164 C. Minimum lot depth: 120 feet
- 165 17.19.040 Development standards.
- 166 The following standards apply to development within the R-3 District.
- 167 A. Minimum setbacks for main buildings are as follows.
- 168 1. Front yard: 15 feet
- 169 2. Side yards shall be not less than one-half the height of the building; provided
- 170 that:
- 171 a. The interior side yard for a one-story building the height of which is less
- 172 than 15 feet shall not be required to be more than 5 feet.
- 173 b. An interior side yard shall be not less than 5 feet nor be required to be
- 174 more than 15 feet.
- 175 c. The street side yard for a corner lot shall be not less than 15 feet.
- 176 d. The street side yard for a reverse corner lot shall be not less than 15 feet.
- 177 3. Rear yard: 10 feet for one-story buildings, 15 feet for two-story buildings.
- 178 B. Minimum setbacks for accessory buildings are as follows.
- 179 1. Setbacks from property lines for accessory buildings and structures shall be
- 180 as provided in CMC 17.38.050.
- 181 2. For garages and carports opening onto a street, the minimum distance
- 182 between the opening of such garage or carport and the lot line shall be 20
- 183 feet.
- 184 C. Maximum lot coverage: 40 percent
- 185 D. Maximum floor area ratio for office uses: 0.80
- 186 E. Maximum height
- 187 1. Primary buildings and structures: 25 feet
- 188 2. Accessory structures: 15 feet
- 189 F. A minimum of 300 square feet of usable open space shall be provided for each
- 190 dwelling unit, subject to the following location and design criteria:
- 191 1. Required open space may be group (common) and/or private open space.
- 192 2. Each square foot of private open space shall be considered the equivalent of
- 193 two square feet of group open space and may be so substituted.
- 194 3. Private open space located at ground level shall have a minimum area of 150
- 195 square feet.

- 196 4. Private open space shall be adjacent to the dwelling unit being served.
- 197 5. The minimum dimension in any one direction for any group open space shall
- 198 be 15 feet.
- 199 6. Up to 20 percent of the required open space may be a garden, balcony, deck,
- 200 or similar usable open space feature located on the roof of a building other
- 201 than an attached garage or carport.
- 202 7. Up to 50 percent of ground level open space may be covered by an overhang
- 203 or balcony.
- 204 8. All required open space shall be planted or shall have a dust-free surface,
- 205 such as concrete, landscape pavers or similar material.
- 206 9. No required open space shall be located in a parking area, driveway, service
- 207 area or required front yard area.
- 208 10. No required open space shall have a slope greater than eight percent.

Chapter 17.21 DC Downtown Commercial District

209 **7. CMC Section 17.21.055 is hereby added as follows:**

210 17.21.055 Lot area and dimensions.

211 Minimum lot area and lot dimensions in the DC District are as follows.

212 A. Minimum lot area: 5,000 square feet

213 B. Minimum lot width: 30 feet

214 **8. CMC Section 17.21.060 is hereby amended to read in its entirety as follows:**

215 17.21.060 Development standards.

216 The following standards apply to development within the DC District.

217 A. Minimum setbacks

218 1. Principal buildings shall comply with the following setbacks.

219 a. Front yard: 0 feet, unless directly across the street from a residential

220 district, in which case the setback shall be 20 feet

221 b. Interior side yard: 0 feet, unless abutting or adjacent to a residential

222 district, in which case the setback shall be 5 feet

223 c. Street side yard: 0 feet, unless across the street from a residential district,

224 in which case the setback shall be 15 feet

225 d. Rear yard: 0 feet, unless abutting or adjacent to a residential district, in

226 which case the setback shall be 10 feet

227 2. Accessory buildings and structures shall comply with the following setbacks.

228 a. Front yard: Equal to or greater than the principal structure on the lot

229 b. Interior side yard: 0 feet, unless abutting or adjacent to a residential

230 district, in which case the interior side setback shall be 5 feet

231 c. Street side yard: Equal to or greater than the principal structure on the lot

- 232 d. Rear yard: 0 feet, unless abutting or adjacent to a residential district, in
233 which case the rear setback shall be 5 feet
- 234 B. Maximum lot coverage
- 235 1. Maximum lot coverage: 80 percent
- 236 2. Additional lot coverage may be authorized by a use permit pursuant to CMC
237 Chapter 17.40.
- 238 C. Maximum floor area ratio
- 239 1. Maximum floor area for nonresidential uses: 200 percent
- 240 2. Floor area devoted to residential uses shall be excluded from this calculation.
- 241 D. Maximum height, number of stories
- 242 1. Maximum height
- 243 a. Principal buildings: 30 feet, with the following exceptions:
- 244 i. Where a commercial building abuts or adjoins a parcel in a residential
245 district, the maximum height is 25 feet.
- 246 ii. Taller structures may be approved pursuant to CMC 17.38.030.
- 247 b. Accessory buildings: 15 feet above grade
- 248 2. Maximum number of stories for principal buildings: 2 stories, provided that 3
249 stories may be authorized by a use permit pursuant to CMC Chapter 17.40.
- 250 E. Minimum landscaping of open space: A minimum of 40 percent of open space
251 on a lot shall be landscaped. Walks, pools, patios and other similar areas may be
252 considered as part of the open space requirement. Parking areas shall not be
253 counted unless special paving or other design features are incorporated.
- 254 F. Parking and access
- 255 1. Parking within the front setback or street side setback is prohibited.
- 256 2. New driveways over any portion of the public sidewalk fronting on Lincoln
257 Avenue between Foothill Boulevard and Fair Way shall require authorization
258 by the Planning Commission through the approval of a use permit pursuant to
259 CMC Chapter 17.40.
- 260 G. Fixed place of business: All retail sales and service establishments shall be
261 conducted within a fixed place of business.

Chapter 17.22 CC Commercial District

- 262 **9. CMC Section 17.22.055 is hereby added as follows:**
- 263 17.22.055 Lot area and dimensions.
- 264 Minimum lot area and lot dimensions in the CC District are as follows.
- 265 A. Minimum lot area: 5,000 square feet
- 266 B. Minimum lot width: 50 feet
- 267 **10. CMC Section 17.22.060 is hereby amended to read in their entirety as follows:**
- 268 17.22.060 Development standards.

269 The following standards apply to development within the CC District.

270 A. Minimum setbacks

271 1. Principal buildings shall comply with the following setbacks.

272 a. Front yard: 10 feet, unless directly across the street from a residential
273 district, in which case the front setback shall be 20 feet

274 b. Interior side yard: 0 feet, unless abutting or adjacent to a residential
275 district, in which case the interior side setback shall be five feet

276 c. Street side yard: 10 feet, unless across the street from a residential
277 district, in which case the street side setback shall be 20 feet

278 d. Rear yard: 0 feet, unless abutting or adjacent to a residential district, in
279 which case the rear setback shall be 10 feet

280 2. Accessory buildings and structures shall comply with the following setbacks.

281 a. Front yard: Equal to or greater than the principal structure on the lot

282 b. Interior side yard: 0 feet, unless abutting or adjacent to a residential
283 district, in which case the interior side setback shall be five feet

284 c. Street side yard: Equal to or greater than the principal structure on the lot

285 d. Rear yard: 0 feet, unless abutting or adjacent to a residential district, in
286 which case the rear setback shall be 5 feet

287 B. Maximum lot coverage

288 1. Maximum lot coverage: 60 percent

289 2. Additional lot coverage may be authorized by a use permit pursuant to CMC
290 Chapter 17.40.

291 C. Maximum floor area ratio

292 1. Maximum floor area for nonresidential uses: 80 percent.

293 2. Floor area devoted to residential uses shall be excluded from this calculation.

294 D. Minimum landscaping of open space: A minimum of 40 percent of open space
295 on a lot shall be landscaped. Walks, pools, patios and other similar areas may be
296 considered as part of the open space requirement. Parking areas shall not be
297 counted unless special paving or other design features are incorporated.

298 E. Maximum height, number of stories

299 1. Maximum height

300 a. Principal buildings: 30 feet, with the following exceptions:

301 i. Where a commercial building abuts or adjoins a parcel in a residential
302 district, the maximum height is 25 feet.

303 ii. Taller structures may be approved pursuant to CMC 17.38.030.

304 b. Accessory buildings: 15 feet above grade

305 2. Maximum number of stories for principal buildings: 2 stories are allowed for
306 principal buildings, provided that 3 stories may be authorized by a use permit
307 pursuant to CMC Chapter 17.40.

- 308 F. Parking within the front setback or street side setback may be authorized by a
309 use permit pursuant to CMC Chapter 17.40.
- 310 G. Fixed place of business: All retail sales and service establishments shall be
311 conducted within a fixed place of business.

Chapter 17.23 P Public District

312 **11.CMC Sections 17.23.030 and 17.23.040 are hereby amended to read in their**
313 **entirety as follows:**

314 17.23.030 Development standards.

315 The following standards apply to development in the P District.

316 A. Setbacks for main buildings and accessory buildings shall be as follows.

317 1. Front yard: 20 feet

318 2. Side and rear yards: No requirement unless adjacent to a residential use or
319 zoning district, wherein a 20-foot building setback is required

320 B. Maximum floor area ratio: 0.80.

321 C. Maximum height of buildings and structures: 30 feet, except that when P-zoned
322 property directly abuts residentially-zoned property, all structures within 50 feet of
323 the residential property line shall have a height not to exceed the maximum
324 permitted in the adjacent residential district.

325 17.23.040 Other development standards.

326 Additional requirements that apply to development in the P District include, but are
327 not limited to, the following:

328 A. Off-street parking and loading, per CMC Chapter 17.36

329 B. General provisions and exceptions, per CMC Chapter 17.38

330 C. Use permits, per CMC Chapter 17.40

331 D. Design review, per CMC Chapter 17.41

332 E. Fences, hedges or walls, per CMC Chapter 17.52

333 F. Signs and advertising regulations, per CMC Chapter 17.58

Chapter 17.26 I Light Industrial District

334 **12.CMC Section 17.26.025 is hereby added as follows:**

335 17.26.025 Lot area and dimensions

336 Minimum lot area and lot dimensions in the I District are as follows.

337 A. Minimum lot area: 20,000 square feet unless otherwise specifically provided by a
338 use permit

339 B. Minimum lot width: 100 feet

340 C. Minimum lot depth: 200 feet

341 **13. CMC Sections 17.26.030 and 17.26.040 are hereby amended to read in their**
342 **entirety as follows:**

343 17.26.030 Development standards.

344 The following standards apply to development within the I District.

345 A. Setbacks for buildings shall be as specified by use permit; provided that where
346 the lot abuts a residential district, the setbacks shall in no case be less than is
347 required under the setback requirements in the abutting residential district

348 B. Maximum lot coverage: 40 percent

349 C. Maximum height limit of buildings and structures: 30 feet; provided that where
350 the lot abuts a residential district, all structures within 50 feet of the residential
351 property line shall have a height not to exceed the maximum permitted in the
352 adjacent residential district

353 17.26.040 Other development standards.

354 Additional requirements that apply to development in the I District include, but are
355 not limited to, the following:

356 A. Off-street parking and loading, per CMC Chapter 17.36

357 B. General provisions and exceptions, per CMC Chapter 17.38

358 C. Use permits, per CMC Chapter 17.40

359 D. Design review, per CMC Chapter 17.41

360 E. Fences, hedges or walls, per CMC Chapter 17.52

361 F. Signs and advertising regulations, per CMC Chapter 17.58

Chapter 17.44 Nonconforming Uses

362 **14. CMC Chapter 17.44 is hereby amended as follows:**

363 Chapter 17.44 is retitled "Nonconforming Lots, Structures and Uses."

364 Section 17.44.060 is added as follows:

365 17.44.060 Nonconforming lots.

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