



CITY OF CALISTOGA

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Zach Tusinger, Senior Planner/Assistant to the City Manager
DATE: August 20, 2019
SUBJECT: Zoning Code Amendments (ZOA 2019-1) to Modify Lot Coverage and Accessory Building and Structure Requirements

Approved by

Michael Kirn, City Manager

DESCRIPTION:

Hold a second reading, adopting an ordinance to modify lot coverage requirements and accessory structure standards, and to reformat certain chapters to improve their usability.

RECOMMENDATION:

Consider adopting the ordinance.

SUMMARY:

Consideration of amendments to Calistoga Municipal Code Title 17 (Zoning) to modify lot coverage and accessory structure standards, and to reformat certain chapters to improve their usability.

BACKGROUND:

On March 27, 2019, staff brought a discussion item to the Planning Commission concerning lot coverage and accessory structures. The intent of the discussion was to provide direction to staff on possible amendments to Calistoga Municipal Code Title 17 (Zoning), and to clarify allowable lot coverage exceptions for accessory structures. Currently, maximum lot coverage in the R-1 and R-1-10 Single-Family Zoning Districts is limited to 30% with provisions for increases for accessory buildings and structures. For accessory structures, the lot coverage may be increased to 35% with administrative approval, and to 37% with administrative approval and public notice.

Commissioners indicated that the overall 30% lot coverage limitation was too restrictive and noted that in many cities the maximum lot coverage in single-family zoning districts is as high as 50%. They noted that greater coverage would allow increased flexibility for property owners who wish to expand their homes based on changing circumstances, yet at the same time also reduce the need for property owners to consider building upwards and adding a second story. Commissioners suggested that an across-the-board increase in lot coverage should be considered, with different standards for smaller lots and larger lots. As 7,200 square feet is a common size of older lots in the downtown core, it was suggested that it be used as the dividing line for coverage standards between small lots and large lots. Properties would still remain subject to minimum required setbacks, height limitations, and residential design standards.

The Planning Commission also indicated support for continuing to allow additional lot coverage for unenclosed accessory structures. It was discussed that in Calistoga's climate, people enjoy being outdoors and property owners should have some flexibility in adding items like decks, verandas, and arbors. The Commission's general consensus was to simplify the process and procedures for doing so.

On August 6, 2019, following a public hearing, the City Council introduced and waived the first reading of the attached ordinance.

PROPOSED CODE AMENDMENTS:

The proposed Zoning Code amendments are summarized below.

- The definition of "accessory building or structure" is proposed to be amended to specify what is meant by an unenclosed accessory structure. The proposed definition would define "unenclosed" as being open for at least 50% of its perimeter.
- Section 17.16.040, which delineates the development standards in the R-1 and R-1-10 districts, is proposed to be revised to increase the current 30 percent maximum lot coverage to 50 percent for lots that are 7,200 square feet or smaller, and 40 percent for those that are greater than 7,200 square feet. R-1-10 lots that are 10,000 square feet or more would have their maximum lot coverage increased to 35 percent. This section would also be reformatted for usability, and to more directly reference and refer to the rewritten subsection that includes the development standards for accessory structures.
- Amendments and deletions are proposed for Section 17.38.010 (Building areas and yards), with some provisions being moved to the newly formatted section focused on accessory structures (detailed below).
- Section 17.38.020(A) is proposed to be removed in its entirety, as it is contradictory to both the current and proposed definition of "accessory building or structure."
- Section 17.38.020(C) is proposed to be amended to allow and encourage certain building projections, such as front porches.
- The main code section that details the development standards for accessory buildings and structures, Section 17.38.050, is proposed to be replaced with a

streamlined section that is written with ease of use, flexibility, and clarity for property owners in mind. Key provisions include:

- Setbacks for accessory buildings or structures, with variations provided for height and degree of openness
- Maximum heights for accessory buildings or structures depending on setbacks and degree of openness
- Streamlined provisions for 5% increases in lot coverage for accessory dwelling units and unenclosed accessory structures

PLANNING COMMISSION REVIEW:

The Planning Commission considered the proposed amendments at a public hearing on June 26, 2019. The Planning Commission received staff's recommendations favorably, and suggested several additional modifications, specifically: that the definition of unenclosed structure be reworded to define it as being open on 50% more of a structure's perimeter, to have the setbacks for outdoor fireplace refer to the building code, and to reduce the increased lot coverage for R-1-10 parcels greater than 10,000 square feet from 40% to 35% (currently 30%).

By unanimous vote, the Planning Commission recommended the amendments to the City Council, with the changes noted above.

FINANCIAL IMPACT:

None.

CEQA REVIEW:

The proposed Zoning Code amendments were reviewed in accordance with the California Environmental Quality Act and the City has determined that CEQA Guidelines Section 15305, the "minor alterations in land use limitation" exemption, applies. Therefore, the proposed action is exempt from CEQA.

CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:

The recommended action supports Council Goal No. 2: Addressing the community's existing and future housing needs.

ATTACHMENTS:

Attachment 1: Ordinance No. 742

ORDINANCE NO. 742

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING CALISTOGA MUNICIPAL CODE TITLE 17, ZONING, TO MODIFY LOT COVERAGE AND ACCESSORY STRUCTURE REGULATIONS, AND TO REFORMAT CERTAIN CHAPTERS TO IMPROVE THEIR USABILITY (ZOA 2019-1)

WHEREAS, Calistoga Municipal Code (CMC), Title 17 Zoning includes limitations on lot coverage and provides development standards for accessory structures; and

WHEREAS, these provisions limit the amount of a lot that can be occupied by any building or structure, and regulate the size, height, and location of accessory buildings and structures; and

WHEREAS, there is a need for more flexibility in allowing additional lot coverage on smaller single-family residential properties, and for more clarity in the allowed sizes, heights, and locations of accessory structures; and

WHEREAS, current provisions are contradictory and difficult to apply and enforce; and

WHEREAS, modifying the relevant provisions for lot coverage and for accessory structures will allow greater flexibility for property owners, clarify and streamline processes and procedures, provide consistency, and generally improve the Code's usability; and

WHEREAS, the Planning Commission reviewed the proposed amendments at a public hearing on June 26, 2019 and adopted PC Resolution 2019-11 recommending their approval to the City Council; and

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

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

SECTION ONE

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

SECTION TWO

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

SECTION THREE

Environmental Review. This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15305, "minor

alterations in land use limitations”, and has been determined to be categorically exempt from CEQA.

SECTION FOUR

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION FIVE

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

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City of Council meeting of the **6th day of August, 2019**, and was passed and adopted at a regular meeting of the Calistoga City Council on the **20th day of August, 2019**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chris Canning, Mayor

ATTEST:

Irene Camacho-Werby, City Clerk

Exhibit A

1. CMC Section 17.04.020 is hereby rescinded and replaced with the following:

17.04.020 Accessory building or structure.

“Accessory building or structure” shall mean a detached building or structure that is subordinate and incidental to the primary building or structure on the same parcel of land. “Unenclosed accessory structure” shall mean an accessory structure that is at least 50% open around its perimeter.

2. CMC Section 17.16.040 is hereby rescinded and replaced with the following:

17.16.040 Development standards

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

A. Minimum setbacks for primary dwellings

1. Front yard: 20 feet
2. Side yards shall be not less than one-half the height of a building, except as follows:
 - a. Minimum interior side yard for a building less than 15 feet in height: 5 feet
 - b. Maximum interior side yard: 15 feet
 - c. Street side yard, corner lot: 15 feet
 - d. Street side yard, reverse corner lot: 20 feet

3. Rear yard: 20 feet

B. Minimum setbacks for accessory buildings and structures: As provided by CMC 17.38.050, except that minimum setbacks for accessory dwelling units are provided by CMC Chapter 17.37.

C. Maximum lot coverage

1. Lots 7,200 square feet or smaller: 50 percent
2. Lots greater than 7,200 square feet: 40 percent
3. Lots greater than 10,000 square feet in the R-1-10 district: 35 percent
4. Additional lot coverage is allowed for accessory dwelling units and unenclosed accessory structures as provided by CMC 17.38.050.

D. Maximum building height for primary dwellings: 25 feet

E. Maximum building height for accessory buildings and structures: As provided by CMC 17.38.050.

3. CMC Section 17.38.010 is hereby rescinded and replaced with the following:

17.38.010 Yards

- A. The narrowest portion of a lot or parcel shall be considered the front for determination of yards. The determination of the front side and rear yards shall further be determined by the lot configuration and relationship to other lots or parcels in the immediate neighborhood. In circumstances where unusual lot configuration of block shapes occur, the Director of Planning and Building shall make the determination of yards. Location or orientation of existing structures shall not define yards.
- B. No yard or other open space provided for a building for the purpose of complying with the regulations of this title shall be considered as providing a yard or open space for any other building or structure.

4. CMC Section 17.38.020(A) is hereby rescinded.

5. CMC Section 17.38.020(C) is hereby rescinded and replaced with the following:

- C. Porches and uncovered stairways may extend up to 6 feet into required front or rear yards, and into required side yards, a distance not exceeding one-half the width of the side yard required for the adjoining building.

6. CMC Section 17.38.050 is hereby rescinded and replaced with the following:

17.38.050 Accessory building and structure standards

The following standards apply to accessory buildings and structures.

A. Minimum setbacks

- 1. Accessory buildings and structures may not be located within a required front yard, except as provided in CMC Section 17.38.050(A)(4).
- 2. Interior side yard and rear yard setbacks shall be at least 5 feet, except as provided herein.
 - a. Unenclosed accessory buildings and structures shall maintain a setback of at least 3 feet.
 - b. Enclosed accessory buildings and structures no taller than 8 feet and no larger than 120 square feet in the R-R and RR-H districts, or 80 square feet in the R-1, R-1-10, R-2, and R-3 districts, shall maintain a setback of at least 3 feet.
 - c. For swimming pools and hot tubs, the body of water and associated equipment shall maintain a setback of at least 6 feet.
- 3. Street side yard setbacks shall be the same as those required for primary buildings, except as provided herein.

4. Landscaped features and structures such as uncovered and unenclosed walkways, patios and porches having a height of not more than 18 inches, ornamental gate archways having a height of not more than 8 feet, planters, light standards, posts designed to support landscape features, ornamental fixtures, flagpoles not exceeding the maximum allowable height of primary structures in the zone, arbors, trellises, and similar features shall be permitted anywhere on a lot.
 5. Outdoor fireplaces shall comply with any applicable building or safety codes.
 6. For garages and carports opening onto a street, the minimum separation between the garage or carport opening and the adjoining street lot line shall be 20 feet.
- B. Maximum heights in the R-1 and R-1-10 zoning districts are as follows:
1. 8 feet for enclosed accessory structures as described in 17.38.050(2)(b)
 2. 10 feet for unenclosed accessory structures between 3 and 5 feet from the property line
 2. 15 feet for accessory structures between 5 and 15 feet of the property line
 3. 25 feet for accessory structures 15 feet or more from the property line
- C. Lot Coverage
1. Accessory buildings and structures may not cover more than 50 percent of a required yard area.
 2. In the R-1 and R-1-10 districts, additional lot coverage of up to 5 percent is allowed for accessory dwelling units and unenclosed accessory structures.
- D. The Planning and Building Director may grant an exception from the above standards regulating required yards in residential districts, following notice to the adjacent property owner(s), for the reconstruction, renovation or expansion of existing accessory buildings or structures when the following is demonstrated:
1. The setback to be provided will be consistent with the prevalent development pattern for similar buildings or structures in the immediate area;
 2. The location of the accessory building or structure will not adversely affect the privacy of adjacent properties;
 3. The location of the accessory building or structure will not significantly increase shading of adjacent properties; and
 4. The design of the accessory building or structure is compatible with that of the principal dwelling and will not detract from the appearance of the immediate area.