

**CALISTOGA PLANNING COMMISSION**  
**STAFF REPORT**

**TO:** Chair Coates and Members of the Planning Commission  
**FROM:** Zach Tusinger, Planning & Building Director  
**MEETING DATE:** June 24, 2020  
**SUBJECT:** **Zoning Ordinance Amendment ZOA 2020-1**  
**Amendments to Modify Accessory Building and Structure**  
**Development Standards**

**ITEM**

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

**BACKGROUND**

In July of last year, the City Council approved an ordinance rewriting the lot coverage provisions in single-family districts and adjusting development standards related to accessory buildings or structures. A key component of those amendments was to increase the maximum lot coverage limitations for single-family properties to allow homeowners more flexibility in how they use their properties. However, accompanying provisions related to setbacks and height limitations, appear to have in some cases negated some of that increased flexibility. Over the past year, staff has fielded numerous questions related to the rewritten code provisions. Unfortunately, it seems that some of the modified language is unclear (and in some cases contradictory). Additionally, the provisions related to heights and setbacks for accessory structures proved to be problematic when applied to requests from residents. In some cases, staff has been unable to approve otherwise reasonable designs for backyard accessory structures due to the way the height and setback limitations interact within the code as currently written.



*Example of an accessory structure*

Under the current language, backyard accessory structures can not exceed fifteen feet in height unless the structure is located fifteen feet or more from the property line. In some cases where someone wanted to build a backyard garage with a guest unit or accessory dwelling unit on the second level, for example, they would be unable to unless they build it squarely in the middle of their backyard. If it were the main structure

34 rather than the accessory structure, such large setbacks would not be required. These  
35 restrictions have dissuaded several property owners from undertaking projects that  
36 would otherwise have increased the use and enjoyment of their properties.

37 Since the beginning of this calendar year staff has been developing adjustments to this  
38 portion of the accessory building and structure standards to present to the Planning  
39 Commission for possible recommendation to the City Council. In addition to making  
40 substantive adjustments, staff also recommends taking the opportunity to reformat the  
41 language for clarity and readability.

## 42 **PROPOSED CODE AMENDMENTS**

- 43 • Rewrite the Maximum Heights subsection (CMC Section 17.38.050.B) to allow for  
44 more workable height limitations as they relate to the distance of the structure from  
45 the property line. Generally, as proposed, the maximum heights of accessory  
46 structures would be fifteen feet, with an additional two feet in height given for every  
47 additional foot beyond five feet that the structure is set back from the property line.  
48 Provisions relating to height limitations for unenclosed accessory structures and  
49 small accessory structures are also proposed to be rewritten for clarity and ease of  
50 use.
- 51 • Reformat the language under both Minimum Setbacks (CMC Section 17.38.050.A)  
52 and Maximum Heights subsections to clarify the meaning and create better parallel  
53 structure.
- 54 • Modify the language in Minimum Setbacks (A)(2)(b) to be consistent across zoning  
55 districts.
- 56 • Eliminate the reference under the Minimum Setbacks subsection to the building  
57 code and outdoor fireplaces, as it is redundant and unnecessary.

## 58 **ANALYSIS**

59 The typical single-family lot in older portions of Calistoga is 60' x 100'. Based on the  
60 current language regarding accessory building and structure height limitations and  
61 setbacks, if someone wanted to build a garage in their backyard with a second story,  
62 they would have to locate that in the middle of their backyard (at least fifteen feet from  
63 both rear and side property lines). It is important to remember that in Calistoga, the  
64 height of buildings and structures with sloped roofs is measured at the midpoint of the  
65 slope of the roof (see CMC Sections 17.38.040.C & D). The combination of height and  
66 setback limitations effectively reduces the potential improvement and enjoyment of  
67 backyards, creates unworkable geometry related to vehicle movements, and in many  
68 cases prevents homeowners from undertaking projects that would improve the value  
69 and the usability of their properties.

70 Staff believes the proposed rewrite of CMC Sections 17.38.050.A "Minimum Setbacks"  
71 and 17.38.050.B "Maximum Height" will make these provisions easier to understand  
72 and create greater flexibility for property owners while still preserving privacy for  
73 adjacent property owners.

74 **ENVIRONMENTAL REVIEW**

75 The proposed Zoning Code amendments have been reviewed in accordance with the  
76 California Environmental Quality Act and the City has determined that CEQA Guidelines  
77 Section 15305, the “minor alterations in land use limitation” exemption, applies.  
78 Therefore, the proposed action is exempt from CEQA.

79 **PUBLIC COMMENT**

80 As of June 16, 2020, no public comments had been received regarding this project.

81 **FINDINGS**

82 To reduce repetition, all the necessary findings to approve the use permit application  
83 are contained in the draft resolution.

84 **RECOMMENDATION**

85 Based on the information and analysis contained in this report, staff recommends that  
86 the Planning Commission adopt the resolution recommending to the City Council  
87 approval of Zoning Code amendments to modify accessory building or structure  
88 development standards, and to reformat certain chapters to improve their usability.

**ATTACHMENTS**

1. Draft Resolution
2. Existing CMC Section 17.38.050