

**Chapter 17.22**  
**COMMERCIAL LAND USE DISTRICTS**

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**17.22.010 Purpose of the commercial land use districts.**

The commercial area is divided into two land use districts for the purpose of providing an appropriate geographic distribution of businesses and services of varying intensity and community impacts. The primary goal of these districts is to preserve and protect the predominantly residential character of the community by providing a balanced mix of commercial and residential uses in accordance with the General Plan. This goal is achieved by: (1) locating the more intense commercial activities in the core of the commercial area; (2) providing a transition from intense uses in the commercial core to less intense uses in the residential districts; (3) encouraging a mix of commercial, residential and community activities throughout the commercial area; (4) controlling the type and distribution of similar uses among different districts; and (5) prohibiting those activities which conflict with the protection of the commercial area, but which can be provided elsewhere in the community. (Ord. 614 § 2, 2004).

**17.22.020 Commercial land use districts established.**

Commercial land use districts are established and designated as follows:

District Designation	Designation
Downtown Commercial	DC
Community Commercial	CC

(Ord. 614 § 2, 2004).

**17.22.030 Commercial land use districts descriptions.**

- A. The downtown commercial district (DC) provides an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the DC district to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike. For this reason, incentives are provided to encourage residential development above the street level to include, but not be limited to, exempting the residential portion of a mixed-use development from the allowable floor area ratio standards. To retain the rural,

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small-town character of the DC district, development shall maintain the compact gridiron street pattern and be designed to provide parking screened from public view. Additionally, development shall apply varying building mass and architectural treatments, limit front setbacks and curb-cuts, and encourage pedestrian-oriented design elements.

- B. The community commercial district (CC) provides an area at the edge of the downtown commercial core and at the intersection of Petrified Forest Road and Foothill Boulevard, which are similar to those activities in the DC district, but because of their size or relatively low pedestrian traffic generation are appropriate for the CC district. These uses predominantly provide for the day-to-day needs of residents, and because of their operational characteristics and space needs (i.e., storage, size, required parking, etc.) they are considered appropriate for the CC district. Uses in the CC district include services, offices, restaurants and limited retail activities. The CC district is also intended to provide a distinct transition between the more intense activities in the DC district and the less intense activities in the residential districts adjacent to the commercial area. Therefore, mixed residential-commercial uses are appropriate in the CC district, with residential development allowed on both the street and upper levels. New visitor accommodations in the CC district shall generally be allowed where they are part of a mixed-use project that provides tangible benefits to the community. (Ord. 614 § 2, 2004).

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

- A. The following uses are allowed in the DC district and shall only require a conditional use permit when located in an entry corridor as defined in the 2003 General Plan Update:
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 and dental clinics;
  6. Banks and financial institutions, without drive-up or walk-up facilities;
  7. Art galleries;
  8. Antique stores;
  9. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.
- B. The following uses require a conditional use permit in the DC district and within an entry corridor as defined in the 2003 General Plan Update, pursuant to Chapter 17.40 CMC:
1. Theaters and places of public assembly, such as halls, lodges, fraternal organizations and clubs;
  2. Dance studios and schools;
  3. Hotels, motels, resorts and inns;
  4. Outdoor sales establishments, such as plant nurseries and garden supplies, taxi stands, and storage associated with a primary use, such as hardware and home improvement

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- stores;
  - 5. Banks and financial institutions, with drive-up or walk-up facilities;
  - 6. Sale of used or secondhand goods, excluding books and magazines;
  - 7. Religious institutions, such as churches and mosques;
  - 8. Public utility substations and public and private schools;
  - 9. Geothermal uses;
  - 10. Formula businesses otherwise allowed in subsection (A) of this section, but not including formula restaurants or formula visitor accommodations;
  - 11. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
  - 12. Modifications to existing structures resulting in an increase in the number of leasable spaces;
  - 13. Remote parking for businesses located off-site;
  - 14. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor dining;
  - 15. Live entertainment and/or dancing;
  - 16. Live-work units allowed in conjunction with a permitted commercial use; provided, that the following requirements have been met prior to use permit approval:
    - a. The required off-street parking for the exclusive use of dwelling units is provided, pursuant to Chapter 17.36 CMC;
    - b. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing on the property (i.e., lighting, noise, fumes and hours of operation, etc.);
    - c. Prior to use permit approval, residential-commercial uses shall require design review by the Planning Commission, pursuant to Chapter 17.06 CMC;
  - 17. Multifamily dwellings above the first floor, subject to a specific finding that the proposed use is consistent with the rural, small-town character of the community;
  - 18. Gasoline service stations, with no automobile repair and/or carwash;
  - 19. Wine and liquor sales, including tasting facilities;
  - 20. Storage when associated with a resident-serving business located on an adjacent parcel;
  - 21. Souvenir shops;
  - 22. Walkaway businesses;
  - 23. Commercial amusements, such as arcades and fortune tellers;
  - 24. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises;
  - 25. Uses otherwise allowed in subsection (A) of this section, but because of their location in an entry corridor require a use permit;
  - 26. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.
- C. Allowed Accessory Uses. No accessory use shall be established in conjunction with a primary use, unless the accessory use is also an allowed or conditionally permitted use within the district. Accessory uses shall only be permitted if compatible with the primary use. Determinations of compatibility shall be made by the Planning and Building Director for those uses allowed with only a business license and by the Planning Commission for those uses requiring a conditional use permit.
- D. The following uses are prohibited in the DC district:

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1. Uses not specified in subsections (A) through (B) of this section;
2. Formula restaurants;
3. Formula visitor accommodations;
4. Drive-up facilities when associated with a food service establishment;
5. Timeshare projects, programs or occupancies;
6. Manufacturers' outlet stores;
7. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises;
8. Objectionable and hazardous uses, such as businesses which present noxious odors or fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion. (Ord. 614 § 2, 2004).

**17.22.050 Setbacks for DC district parcels.**

- A. Principal buildings shall comply with the following setbacks from a property line:
  1. Front: Zero feet, unless directly across the street from a residential district, in which case the front setback shall be 20 feet;
  2. Interior side: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be five feet;
  3. Street side: Zero feet, unless across the street from a residential district, in which case the street side setback shall be 15 feet;
  4. Rear: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 10 feet.
- B. Accessory buildings and structures shall comply with the following setbacks from a property line:
  1. Front: Setback equal to or greater than the principal structure on the lot;
  2. Interior side: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be five feet;
  3. Street side: Setback equal to or greater than the principal structure on the lot;
  4. Rear: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be five feet.
- C. The purpose of setbacks is to provide an area for landscaping and planting trees. (Ord. 614 § 2, 2004).

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

- A. The following uses are allowed in the CC district and shall only require a conditional use permit when located in an entry corridor as defined in the 2003 General Plan Update:
  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;

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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;
  10. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.
- B. The following uses require a conditional use permit in the CC district, pursuant to Chapter 17.40 CMC and within an entry corridor as defined in the 2003 General Plan Update:
1. Theaters and places of public assembly such as halls, lodges, fraternal organizations and clubs;
  2. Hotels, motels, resorts and inns;
  3. Automobile, boat and recreational vehicle sales, rentals and repair;
  4. Outdoor sales establishments, such as plant nurseries and garden supplies, taxi stands, and storage associated with a primary use, such as hardware and home improvement stores;
  5. Banks and financial institutions, with drive-up facilities;
  6. Sale of used or secondhand goods, excluding books and magazines;
  7. Religious institutions, such as churches and mosques;
  8. Public utility substations and public and private schools;
  9. Geothermal uses;
  10. Formula businesses otherwise allowed in subsection (A) of this section, but not including formula restaurants or formula visitor accommodations;
  11. Stand-alone parking lots;
  12. Remote parking for businesses located off-site;
  13. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor dining;
  14. Live entertainment and/or dancing;
  15. Walkaway businesses;
  16. Single-family, live-work units, caretaker's quarters allowed in conjunction with or without a permitted commercial use; provided, that the following guidelines have been considered prior to the required use permit approval:
    - a. The required off-street parking for the exclusive use of dwelling units is provided pursuant to Chapter 17.36 CMC;
    - b. New structures or structural expansion shall not be permitted if it would contribute to a lot coverage that exceeds 60 percent;
    - c. Residential uses shall be provided a screened yard area not less than 300 square feet per dwelling unit, except in cases where due to the location of existing structures there is no land available for said yard;
    - d. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing on the property (i.e., lighting, noise, fumes and hours of operation, etc.);
    - e. Prior to use permit approval, a residential use or combination of residential and commercial uses shall require design review by the Planning Commission,

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pursuant to Chapter 17.06 CMC;

17. Multifamily dwellings, subject to a specific finding that the proposed use is consistent with the rural small town character of Calistoga;
  18. Gasoline service stations, including carwash facilities;
  19. Veterinarian clinics with boarding facilities, as provided in CMC 17.14.020(B)(3);
  20. Childcare facilities;
  21. Wine and liquor sales, including tasting facilities;
  22. Storage when associated with a resident-serving business located on an adjacent parcel;
  23. Antique stores;
  24. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
  25. Modifications to existing structures resulting in an increase in the number of leasable spaces;
  26. Thrift and discount stores, not including manufacturers' outlet stores;
  27. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises;
  28. Convalescent and senior care facilities;
  29. Nurseries and greenhouses;
  30. Uses otherwise allowed in subsection (A) of this section, but because of their location in an entry corridor require a use permit;
  31. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.
- C. Allowed Accessory Uses. No accessory use shall be established in conjunction with a primary use, unless the accessory use is also an allowed or conditionally permitted use within the district. Accessory uses shall only be permitted if compatible with the primary use. Determinations of compatibility shall be made by the Planning and Building Director for those uses allowed with only a business license and by the Planning Commission for those uses requiring a conditional use permit.
- D. The following uses are prohibited in the CC district:
1. Uses not specified in subsections (A) through (C) of this section;
  2. Formula restaurants;
  3. Formula visitor accommodations;
  4. Drive-up facilities when associated with a food service establishment;
  5. Timeshare projects, programs and occupancies;
  6. Manufacturers' outlet stores;
  7. Souvenir shops, unless associated with and ancillary to a visitor accommodation;
  8. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises;
  9. Objectionable and hazardous businesses, such as uses which present odors, fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion. (Ord. 614 § 2, 2004).

**17.22.070 Setbacks for CC district parcels.**

- A. Principal buildings shall comply with the following setbacks from a property line:

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1. Front: Ten feet, unless directly across the street from a residential district, in which case the front setback shall be 20 feet;
  2. Interior side: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be five feet;
  3. Street side: Ten feet, unless across the street from a residential district, in which case the street side setback shall be 20 feet;
  4. Rear: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 10 feet.
- B. Accessory buildings and structures shall comply with the following setbacks from a property line:
1. Front: Setback equal to or greater than the principal structure on the lot;
  2. Interior side: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be five feet;
  3. Street side: Setback equal to or greater than the principal structure on the lot;
  4. Rear: Zero feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be five feet.
- C. The purpose of setbacks is to provide an area for landscaping and planting trees. (Ord. 614 § 2, 2004).

**17.22.080 General regulations.**

- A. Lot Area Requirements.
1. Minimum lot area shall be 5,000 square feet.
  2. Lot width shall be a minimum of 30 feet on a fronting street in the DC district and 50 feet in the CC district.
- B. Lot Coverage.
1. The maximum allowable lot coverage shall be 80 percent in the DC district and 60 percent in the CC district;
  2. The Planning Commission may authorize additional lot coverage for any building in any commercial district, pursuant to the use permit process contained in Chapter 17.40 CMC;
- C. Floor Area Ratio. The maximum allowable floor area shall be 200 percent in the DC district and 80 percent in the CC district;
- D. Open Space. A minimum of 40 percent of open space on a lot shall be landscaped. Walks, pools, patios and other similar areas may be considered as part of the open space requirement. Parking areas shall not be counted unless special paving or other design features are incorporated.
- E. Height Limit and Number of Stories.
1. Principal Building. The maximum height of a principal building located in the commercial district shall be 30 feet, except as otherwise provided in CMC 17.38.030; where a commercial building abuts or adjoins any parcel in a residential district, the maximum height shall be 25 feet.
  2. Accessory Building. The maximum height of an accessory building located in the commercial district shall be 15 feet above grade.
  3. Number of Stories.
    - a. Up to two stories are allowed in principal buildings in all commercial districts, pursuant to the height restrictions provided in subsections (E)(1) and (2) of this section;

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- b. Three stories may be permitted in principal buildings upon first obtaining a use permit.
- 4. Massing. Larger scaled developments shall be broken up into distinctively different developments to avoid the appearance of a single large project, to maintain the eclectic mixture of architectural styles, to reduce the building size and scale, and to preserve, protect, and enhance the rural, small town character of the community.
- F. Parking Requirements.
  - 1. Off-street parking shall be designed, located and installed consistent with the provisions in Chapter 17.36 CMC.
  - 2. Parking shall not be allowed within the front setback or street side setback within the DC district, and shall not be allowed within the front and street side setback within the CC district unless otherwise approved by the Planning Commission in unusual circumstances, pursuant to the use permit process contained in Chapter 17.40 CMC.
  - 3. No commercial property fronting on Lincoln Avenue between Foothill Boulevard and Fair Way shall provide a new driveway over any portion of the public sidewalk, unless authorized by the Planning Commission through the use permit process in Chapter 17.40 CMC.
- G. Fences, Hedges and Walls. Fences, hedges and walls shall be designed, located and installed consistent with the provisions contained in Chapter 17.52 CMC.
- H. Design Review Required. New construction, remodels or renovation of commercial developments shall require design review, pursuant to Chapter 17.06 CMC.
- I. Additions to existing structures which would allow the creation of a commercial space with 200 or more square feet of floor area shall be considered by the Planning Commission through the use permit review process, pursuant to Chapter 17.40 CMC.
- J. No existing residential dwelling unit shall be converted or demolished, unless replacement housing is provided, subject to one of the following findings:
  - 1. Replacement housing will be provided for the residential units to be demolished or converted to commercial use, and the replacement housing will be located on the site, within any commercial area, or elsewhere in the City following demolition of the existing residential units. In these circumstances, a housing agreement shall be required to ensure compliance with the conditions of a permit authorizing the demolition or conversion.
  - 2. A fee has been provided subject to the provisions contained in Chapter 17.08 CMC, which will be used by the City to provide replacement housing for the residential units to be demolished or converted to commercial use.
- K. All retail sales and service establishments shall be conducted within a fixed place of business, unless expressly permitted in CMC 17.22.040 and 17.22.060.
- L. Except for visitor accommodations allowed as part of a mixed-use development and live-work units, all newly constructed floor area located above a first floor shall be encouraged to be for resident-serving commercial uses and/or residential.
- M. Findings for Use Permits on Property in Entry Corridors. In addition to the findings for use permits provided in Chapter 17.40 CMC, the following findings shall be made for use permits located on commercial property designated in the General Plan as an entry corridor:



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1. Unless otherwise provided in the standards for entry corridors contained in the General Plan, the proposed uses on the premises are allowed within the underlying zoning district.
2. That the proposed uses on the premises complement, rather than compete with, the downtown commercial core.
3. That the proposed uses on the premises help to preserve, promote and enhance the unique, one-of-a-kind businesses that reflect the character of the commercial area.
4. Unless the proposed use conflicts with standards for the entry corridor, that new construction, additions, alterations and expansions comply with the required dimensional standards (i.e., height, setbacks, coverage, etc.) for development in the underlying zoning district.
5. That the design of new construction, alterations, additions and expansions present a character which is unique to Calistoga and does not include shopping centers, gas stations, "big box" retail, and other commercial centers with strip retail characteristics that are inconsistent with the small-town characteristics of Calistoga.
6. That adequate setbacks are provided and sufficiently landscaped to preserve the rural open space characteristics, substantial landscaping is provided to include trees and native vegetation oriented toward the public right-of-way and primary intersections, and trees visible from the roadway are retained and enhanced.
7. That architectural elements, including building mass and scale, use of materials, fenestration, and colors, are simple, compatible within the context of surrounding uses and buildings, are compatible with Calistoga's small-town rural character, and provide a small scale and understated visual appearance. Low-rise buildings may be allowed provided they are consistent within the character of the neighborhood and are oriented to the public right-of-way.
8. Walls, fences and low berms are landscaped and include materials and design that complement the character of the surroundings.
9. Existing vegetation, including mature trees, have been integrated into the design of buildings and adjacent property, and where unhealthy vegetation has been removed, it is replaced with new vegetation.
10. Unique natural features, including the traditional design character of historic buildings, have been preserved and remain a visible and meaningful element of the proposal.
11. Off-street parking is not visible from the entry corridor roadway.
12. Where the regulations in the underlying zoning district conflict with these findings, then the entry corridor standards shall apply. (Ord. 614 § 2, 2004).