

## ORDINANCE NO. 689

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING TITLE 17 (ZONING) OF THE CALISTOGA MUNICIPAL CODE REZONING THE PROPERTY LOCATED AT 1110, 1112 & 1116 BERRY STREET (APN 011-242-001) FROM THE "R3 RESIDENTIAL /PROFESSIONAL OFFICE DISTRICT" TO THE "PD 2012-01 BERRY COTTAGES PLANNED DEVELOPMENT DISTRICT."**

The City Council of the City of Calistoga does hereby ordain as follows:

### **SECTION ONE:**

**WHEREAS**, an application was submitted by the Property Owners, Robert and Valerie Beck and Thomas Crowley on October 5, 2012 requesting; 1) the rezoning of the property from an "R3 Residential/Professional Office" to a "PD Planned Development Zoning District," 2) a Parcel Map, 3) a Preliminary/Final Development Plan, and 4) a waiver from the undergrounding of utilities allowing the creation of 3 parcels from an already developed property located at 1110, 1112 and 1116 Berry Street (APN 011-242-001); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the ordinance on January 9, 2013, and adopted Resolution PC 2013-02 forwarding a recommendation that the City Council approve the ordinance; and

**WHEREAS**, a public notice of the City Council public hearing of February 19, 2013 on the Zoning Ordinance Text and Map Amendment and the proposed project planning actions was published in the local newspaper and made available on the City's website; and

**WHEREAS**, the City Council has reviewed and considered the application for the Project at its regular meeting on February 19, 2013 and March 5, 2013 and prior to taking action on the application, the Council received written and oral reports by the Staff, and received public testimony;

**WHEREAS**, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the City Council adopted the following findings with the introduction of an Ordinance:

1. The proposed zoning ordinance amendment will provide flexibility in the development standards while allowing for unique circumstances, and the perpetual maintenance of a small lot residential development without adversely impacting the qualities that make the community unique.
2. The proposed text and map amendment is consistent with the City's General Plan High Density Residential land use designation. Provisions for uses and proposed revised development standards will ensure

preservation of the small town character of the area. Furthermore, design review is required for any future second story additions, which will help ensure compatibility with the surrounding development.

3. The proposed text amendment promotes and enhances the rural traditions of the community and is necessary and proper to balance the natural and built environment of this site at one of Calistoga's important gateways to the community.
4. The proposed text amendment is necessary and proper to ensure that the small town character of the community is preserved and enhanced consistent with the General Plan, while providing reasonable opportunity to establish a high quality and creative residential project.

**SECTION TWO:**

Section 17.24 of Title 17 (Zoning) is hereby amended by adding subsection 17.24.800 through 17.24.840 as follows:

**Article X. PD 2012-01, Berry Cottages Planned Development District**

**17.24.800 – Purpose.**

This planned development district regulates development of the property located at 1110, 1112 and 1116 Berry Street (APN 011-242-001), as shown on the Zoning Map of the City of Calistoga, California, dated February 5, 1991, as amended. The "PD 2012-01 Berry Cottages Planned Development District" is important to the community, as it contains property that is suitable for a high-density residential development. Developments in this district shall be in conformance with the following regulations.

**17.24.810 Uses Allowed.**

- A. Uses Allowed Without a Use Permit.
  1. Single-family dwellings;
  2. Home occupations in accordance with Chapter 17.21 CMC;
  3. Uses determined by the Planning Commission to be similar in nature, as provided in the procedures in Chapter 17.02 CMC.
- B. Uses Requiring a Use Permit.
  1. Churches;
  2. Professional offices;
  3. Uses determined by the Planning Commission to be similar in nature as provided in the procedures in Chapter 17.02 CMC.
- C. Allowed Accessory Uses. Accessory buildings and uses whose use is clearly incidental and subordinate to the main use, including a storage shed or similar structure; provided, that no accessory building or use shall be constructed or

established prior to the construction of a main building, or on a lot separate from the main building;

- D. Prohibited Uses. Uses not specified in subsections (A) through (C) of this section are prohibited.

**17.24.820 Height limits.**

Height limit of buildings and structures in PD 2012-01 shall be 25 feet, unless otherwise provided in Chapter 17.38 CMC.

**17.24.830 Development Standards.**

- A. Minimum Lot Area.  
1. 2,200 square feet.
- B. Minimum Lot Width.  
1. Interior lot: 40 feet;  
2. End and corner lot: 37 feet.
- C. Minimum Lot Depth.  
1. Interior lot: 60 feet;  
2. End and corner lot: 60 feet.
- D. Minimum Lot Density.  
1. On all lots, no more than one dwelling unit.
- E. Minimum setbacks and structural separations for main buildings shall be as follows, unless otherwise provided in this section:  
1. Front yard: 10 feet – Berry Street;  
2. Street side yard: 3 feet – Myrtle Street;  
3. Interior side yard: 3 feet  
4. Rear yard: 10 feet
- F. Minimum Setbacks for Accessory Buildings.  
1. Setbacks for accessory buildings and structures from the property lines shall be three feet except that no accessory building or structure shall be allowed in the required front or street side yard unless otherwise provided in CMC 17.38.050.
- G. Lot Coverage. Maximum coverage of a lot by all buildings or structures, including accessory structures, shall be 40 percent.
- H. Parking Requirements. Unless authorized with a use permit, on-site parking is prohibited.

**17.24.840 Design review.**

Design review shall be required for all second story additions and buildings or structures requiring a use permit in this section.

**SECTION THREE:**

The City Clerk or his or her designee is hereby directed to amend the Zoning Map of The City of Calistoga, California, dated February 5, 1991, as amended, which is on file

with the City, to reflect the change in zoning for the subject property described in the above title.

**SECTION FOUR:**

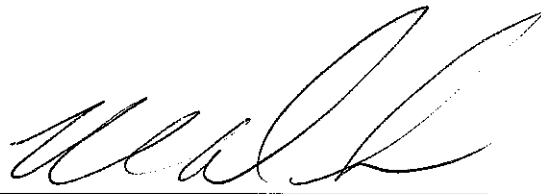
If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION FIVE:**

**THIS ORDINANCE** shall take effect thirty (30) days after its passage and before 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 Council meeting on the 19th day of February 2013, and was passed and adopted at a regular meeting of the Calistoga City Council on the 5th day of March 2013, by the following vote:

**AYES:** Councilmembers Kraus, Barnes, Lopez-Ortega and  
Vice Mayor Dunsford  
**NOES:** None  
**ABSENT:** Mayor Canning  
**ABSTAIN:** None



**MICHAEL DUNSFORD, Vice Mayor**

**ATTEST:**



**AMANDA DAVIS, Deputy City Clerk**