

City of Petaluma, California

Memorandum

*City of Petaluma, Community Development Department, Planning Division
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DATE: November 28, 2023

TO: File – Planning Division Interpretation Log

FROM: Brian Oh, Community Development Director
Tiffany Robbe, Deputy Planning Manager

SUBJECT: **Zoning Code Interpretation 2023-02 – Rainwater Storage Tanks**

Purpose

The purpose of this memorandum is to document an interpretation of Implementing Zoning Ordinance (IZO) Chapter 12, which establishes permitted modifications to the development standards contained in Tables 4.6 to 4.13. More specifically, the interpretation addresses rainwater tanks and that they be permitted setback modifications in a similar manner as IZO Table 12.1 allows other projections with mass.

Authority

IZO §1.050.A states that “Authority. The Director has the authority to interpret any provision of this Zoning Ordinance. If the Director determines that the meaning or applicability of any Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.” This memorandum is provided in accordance with this authority and with purpose described above.

Discussion

Climate Action is a top goal for the City. In May of 2019, the City Council passed a Climate Emergency Resolution. The Council has also established a Climate Action Commission, lent support to legislation to cut carbon emissions, and adopted climate-friendly ordinances such as a ban on polystyrene products. The City looks for ways to integrate climate-friendly practices into its projects and policies. The City of Petaluma has a robust Water Conservation and pollution prevention program (<https://cityofpetaluma.org/water-conservation>) and partners with a local nonprofit called Daily Acts to help the community save water. Rainwater tanks are important infrastructure to assist Petaluma in reducing potable water consumption during drought and in capturing excess water during flood events.

The City anticipates consideration of zoning code changes to best align with Climate Action goals with the upcoming Zoning Ordinance to follow the General Plan Amendment. In the immediate term, in the light of the above, Table 12.1 of the current IZO is to be interpreted to consider rainwater tanks in the same manner that Table 12.1 addresses other projections with mass, that is “Bay window, chimney, balcony”. Because a tank is likely to lack aesthetic integration with the

structure, it is not appropriate to stretch the interpretation so far as to allow tanks to be located within either the required front setback or the required street side setback (except if not higher than and within a permitted 6-foot fence), as depicted by the new blue text below.¹

Additional considerations may be needed to allow a larger-scale rainwater tank projection.

¹ While these setback modifications are offered by the IZO, Fire and/or Building Codes may not allow such projects in every case. One example is where Fire finds that the tank location would restrict necessary emergency personnel access.

Table 12.1 (New text in blue)

| Projecting Feature | Allowed Projection into Required Setback ¹ | | |
|---|--|---|--|
| | Front Setback | Side Setback | Rear Setback |
| Architectural feature (e.g., cornice, canopy, eave, or other architectural feature) | 3 ft, provided that the projection shall not exceed ½ the depth of the required setback | 3 ft, provided that the projection shall not exceed ½ the depth of the required setback | 3 ft, provided that the projection shall not exceed ½ the depth of the required setback |
| Bay window, chimney, balcony | 3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located. | 3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located. | 3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located. |
| Rainwater storage tank for purpose of on-site irrigation, up to 6 ft in height ^{4 & 5} | Not Allowed | 3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located. ^{6,7} | 3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located. |
| Stair, unenclosed porch, necessary landing | 6 ft. provided that such stair or landing, except for a railing shall not extend above the floor level of the first floor. | Not Allowed | Not Allowed |
| Uncovered decks less than 18 inches in height measured from grade ² | 10% of required setback | 10% of required setback | 50% of required setback |
| HVAC equipment | Not Allowed | Not Allowed | Must be a minimum of 6 ft. from the rear property line. |
| Swimming pool, hot tub spa and associated equipment ³ | Not Allowed | Must be a minimum of 6 ft. from the side property line. | Must be a minimum of 6 ft. from the rear property line. |
| Fire Escape | 4 ½ ft | 4 ½ ft | 4 ½ ft |
| Ramps for accessibility and similar access facilities for the disabled | As determined by the Director and required for Fire and Building Code | As determined by the Director and required for Fire and Building Code | As determined by the Director and required for Fire and Building Code |

1. No projection shall extend into a public utility easement.
2. Decks that exceed 18 inches in height measured from grade shall comply with the setbacks required for the primary structure.
3. See Section 7.080 for requirements for pools, spas, and hot tubs.
4. If a 6 ft solid + 2 ft lattice fence has been authorized via a Fence Permit and installed continually within 5 ft of the tank(s), the tank(s) may be up to 8 ft in height.
5. Tanks cannot interfere with windows or doors, pursuant to Building review. Building &/or Fire Codes may have other context related restrictions.
6. Historic District/property: Siting limited to rear 50% of house wall.
7. Corner lot: No Projection allowed into the Street Side setback, except if tank is not higher than and is within a 6 ft (or a 6 ft solid + 2 ft lattice) fence authorized via a Fence Permit