

## ORDINANCE NO. 731

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING TITLE 17, ZONING, TO REQUIRE PUBLIC NOTICE FOR ADMINISTRATIVE RESIDENTIAL DESIGN REVIEW APPLICATIONS (ZOA 2017-2)

**WHEREAS**, in 2014, the Zoning Code was amended to delegate review authority to the Planning Director for the construction of certain single-family dwelling and additions and alterations to those dwellings in the RR, R-1 and R-2 Zoning Districts; and

**WHEREAS**, the Zoning Code does not currently provide the opportunity for property owners in the vicinity of proposed administrative residential design applications to be made aware of pending development or to provide input prior to Planning Director action, and the City of Calistoga wishes to provide for such notice; and

**WHEREAS**, the Planning Commission considered a substantially similar amendment at a public hearing on July 26, 2017, and adopted PC Resolution 2017-12 recommending its approval to the Council.

**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**

Calistoga Municipal Code Sections 17.41.030 (A) and (C) are hereby amended as follows, where deletions are identified through ~~strikeout~~ and additions are identified with underlining.

##### 17.41.030 Application submittal and review

- A. An application for design review approval shall be filed in accordance with CMC 17.02.120. The application shall be accompanied by the information identified in the Planning and Building Department handout as being required for design review applications. It is the responsibility of the applicant to provide evidence in support of the findings required by CMC 17.41.050.
- C. ~~It is the responsibility of the applicant to provide evidence in support of the findings required by CMC 17.41.050.~~

At least 15 days prior to the Planning and Building Director taking action on a design review application for an item that is listed in Section 17.41.020(A)(1), a notice shall be sent via U.S. Mail to property owners within 300 feet of the subject property, as shown on the latest Assessor's tax roll. The notice shall generally describe the proposed project, identify the date that the Director is anticipated to take action on the application, advise of the public's ability to submit comments on the proposal prior

to this date, and note the deadline to appeal the Director's decision. The same notice shall also be posted on the project site at least 15 days prior to action being taken.

**SECTION THREE**

Environmental Review. This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the "general rule" exemption. The City has determined that because it can be seen with certainty that there is no possibility that the proposed amendments will have an impact on the environment, this ordinance is exempt from CEQA under the general rule.

**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 **19th day of September, 2017**, and was passed and adopted at a regular meeting of the Calistoga City Council on the **3<sup>rd</sup> day of October, 2017**, by the following vote:

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

  
\_\_\_\_\_  
Chris Canning, Mayor

**ATTEST:**

  
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Kathy Flanson, City Clerk