

## ORDINANCE NO. 720

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA MUNICIPAL CODE REPEALING CHAPTER 17.56 HIGHWAY AND STREET SETBACK REQUIREMENTS AND DELETING ALL REFERENCES TO THIS CHAPTER (ZOA 2015-8)

**WHEREAS**, on February 4, 1969, the City Council adopted Ordinance 267, which was intended to ensure adequate setbacks from future transportation facilities; and

**WHEREAS**, at that time the trend was to create wide streets with ample paving to ensure the accommodation of additional vehicles at high speeds; and

**WHEREAS**, trends in roadway design have significantly changed over the years. Narrower street sections help define the street character, create a pedestrian-friendly atmosphere and make for a more livable community; and

**WHEREAS**, the Highway and Street Setback Requirements Ordinance is outdated and is not consistent with the General Plan policies of calming traffic and narrowing roadways; and

**WHEREAS**, the Planning Commission reviewed the proposed Code amendment at a public hearing on October 28, 2015, and after considering the public record, including the staff report and findings, adopted PC Resolution 2015-25 forwarding a recommendation that the City Council repeal Chapter 17.56 and delete any reference to the Chapter; and

**WHEREAS**, the proposed amendment is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

**WHEREAS**, the City Council of the City of Calistoga reviewed and considered this ordinance at a public hearing on November 17, 2015, noticed in accordance with state and local law, and which included the written and oral staff report, the Planning Commission's recommendation and comments received from the general public and interested agencies and parties.

**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**

Rescissions. 1. CMC Chapter 17.56 Highway and Street Setback Requirements is hereby rescinded and the subsections of the Zoning Code referencing Chapter 17.56 are hereby deleted, as follows:

- Delete CMC Section 17.14.050(G)
- Delete CMC Section 17.15.090(G)
- Delete CMC Section 17.16.050(G)
- Delete CMC Section 17.18.050(G)
- Delete CMC Section 17.19.050(G)
- Delete CMC Section 17.58.050(B)(2)

2. Municipal Code Section 12.04.130(C)(4) is hereby amended to delete reference to Chapter 17.56 by deleting the last sentence in the paragraph, which reads:

*“Centerline setbacks set forth in CMC 17.56.030(G), street and highway setbacks, collector streets, shall not be applicable to the above-mentioned Grant Street sections.”*

### **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 therefore 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 Council meeting of the **17th day of November, 2015**, and was passed and adopted at a regular meeting of the Calistoga City Council **on December 1, 2015**, by the following vote:

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



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Chris Canning, Mayor

**ATTEST:**



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Kathy Flanson, City Clerk

