

## ORDINANCE NO. 712

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA ZONING MAP TO REZONE THE PROPERTY LOCATED AT 33 BRANNAN STREET FROM THE R-2 TWO-FAMILY RESIDENTIAL TO THE R-3 MULTI-FAMILY RESIDENTIAL/OFFICE ZONING DISTRICT

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**WHEREAS**, the applicant has submitted a request to rezone the property located at 33 Brannan Street (APN 011-050-023) from the R-2 Two-Family Residential to the R-3 Multi-Family Residential/Office Zoning District; and

**WHEREAS**, the proposed amendment to the Zoning Map for the City of Calistoga is consistent with General Plan goals and policies promoting housing development and would have no detrimental affect on the public health, safety and general welfare of the community; and

**WHEREAS**, the proposed zoning district provides development regulations that would ensure the subject property is developed in an appropriate manner; and

**WHEREAS**, the Planning Commission reviewed the proposed amendment at a public hearing on May 27, 2015, and after considering the public record, including the staff report and findings, adopted PC Resolution 2015-14 forwarding a recommendation that the City Council approve the rezoning of the property; 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 they 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 July 7, 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**

The Zoning Map provided in Section 17.03.010 of Title 17 of the Calistoga Municipal Code is hereby amended to rezone the property located at 33 Brannan Street from the R-2 Two-Family Residential to the R-3 Multi-Family Residential/Office Zoning District.

**SECTION THREE**

The City Clerk or his or her designee is hereby directed to amend the Zoning Map of the City of Calistoga, California, which is on file with the City, to reflect the change in zoning for the subject property described in the above title.

**SECTION FOUR**

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 amendment will have an impact on the environment, this ordinance is therefore exempt from CEQA under the general rule.

**SECTION FIVE**


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 SIX**

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 **7th day of July, 2015**, and was passed and adopted at a regular meeting of the Calistoga City Council **on the 21st day of July, 2015**, by the following vote:

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

  
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**Chris Canning, Mayor**

**ATTEST:**  
  
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**Kathy Flanson, City Clerk**