

ORDINANCE NO. 711

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA ZONING MAP TO REZONE THE PROPERTIES LOCATED AT 1213 AND 1303 FOOTHILL FROM THE R-1-10 ONE-FAMILY RESIDENTIAL TO THE DC DOWNTOWN COMMERCIAL ZONING DISTRICT ZOA 2015-4

1 **WHEREAS**, on February 2, 2015, Nicholas and Gillian Kite submitted a request
2 to rezone the properties located at 1213 and 1303 Foothill Boulevard from R-1-10 One-
3 Family Residential to the Downtown Commercial Zoning District; and

4 **WHEREAS**, the proposed amendment to the Zoning Map for the City of
5 Calistoga is consistent with the applicable General Plan policies and would have no
6 detrimental affect on the public health, safety and general welfare of the community.
7 The proposed zoning district provides for development provisions that are consistent
8 with the community's goals to provide a mix of residential and visitor-related uses; and

9 **WHEREAS**, the Planning Commission reviewed the proposed amendment at a
10 public hearing on February 25, 2015, and after considering the public record, including
11 the staff report and findings, adopted PC Resolution 2015-5 forwarding a
12 recommendation that the City Council approve the rezoning of the properties; and

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

17 **WHEREAS**, the City Council of the City of Calistoga reviewed and considered
18 this ordinance at a public hearing on May 19, 2015, noticed in accordance with state
19 and local law, and which included the written and oral staff report, the Planning
20 Commission's recommendation and comments received from the general public and
21 interested agencies and parties.

22 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
23 **ORDAIN AS FOLLOWS:**

24 **SECTION ONE**

25 Findings. The above recitals are incorporated herein as if set forth herein in full
26 and each is relied upon independently by the City Council for its adoption of this
27 ordinance.

28 **SECTION TWO**

29 The Zoning Map provided in Section 17.03.010 of Title 17 of the Calistoga
30 Municipal Code is hereby amended to rezone the properties located at 1213 and 1303
31 Foothill Boulevard from the R-1-10 One-Family Residential to the DC Downtown
32 Commercial Zoning District.

33 **SECTION THREE**

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

37 **SECTION FOUR**

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

44 **SECTION FIVE**

45 Severability. If any section, subsection, subdivision, paragraph, sentence,
46 clause, or phrase in this ordinance or any part thereof is for any reason held to be
47 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
48 decision shall not affect the validity or effectiveness of the remaining portions of this
49 ordinance or any part thereof. The City Council hereby declares that it would have
50 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
51 thereof irrespective of the fact that any one or more subsections, subdivisions,
52 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or
53 ineffective.

54 **SECTION SIX**

55 Effective Date. This Ordinance shall take effect thirty (30) days after its passage
56 and before the expiration of fifteen (15) days after its passage, shall be published in
57 accordance with law in a newspaper of general circulation published and circulated in
58 the City of Calistoga.

59 THIS ORDINANCE was introduced with the first reading waived at the City of
60 Calistoga City of Council meeting of the **19th day of May, 2015**, and was passed and
61 adopted at a regular meeting of the Calistoga City Council **on the 16th day of June,**
62 **2015**, by the following vote:

63 **AYES: Councilmembers Barnes and Kraus, Vice Mayor Dunsford and**
64 **Mayor Canning**
65 **NOES: None**
66 **ABSENT: None**
67 **ABSTAIN: Councilmember Lopez-Ortega**

68
69 
70 **Chris Canning, Mayor**

71 **ATTEST:**

72 
73 **Kathy Flanson, City Clerk**
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