

## ORDINANCE NO. 655

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING TITLE 17.22, COMMERCIAL LAND USE DISTRICTS OF THE MUNICIPAL CODE, SPECIFICALLY REVISING SECTIONS 17.22.040(A) AND 17.22.060(A) TO ALLOW FOR CERTAIN TYPES OF BUSINESS ESTABLISHMENTS AT ENTRY CORRIDORS WITHIN THE “DC”, DOWNTOWN COMMERCIAL AND “CC”, COMMUNITY COMMERCIAL ZONING DISTRICTS TO BE REVIEWED AND APPROVED ADMINISTRATIVELY.**

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The City Council of the City of Calistoga does hereby ordain as follows:

### **SECTION ONE:**

**WHEREAS**, the City Council finds that the City’s Zoning Ordinance and Zoning Map were adopted by Ordinance No. 460 on February 5, 1991; and

**WHEREAS**, the Planning Commission considered the proposed revisions to the City’s Commercial Land Use District regulations at its regular meeting on November 12, 2008. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on this Zoning Ordinance Text Amendment on November 12, 2008 and adopted Resolution No. 2008-47 forwarding a recommendation of an approval of this Ordinance by the City Council; and

**WHEREAS**, the City Council of the City of Calistoga has reviewed and considered this text amendment at its regular meeting on December 16, 2008 as one of its items of business, noticed in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

**WHEREAS**, the City Council finds that the proposed revisions will not limit the City’s ability to require Conditional Use Permit review of a proposed business should substantial concerns be identified; and

**WHEREAS**, the City Council finds that the proposed revisions provide a streamlined approach to processing applications and preserves the qualities that make the community unique in manner that is consistent with the General Plan’s desire to preserve and protect the “country town” appearance; and

**WHEREAS**, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### **SECTION TWO:**

Subsection (A) of Sections 17.22.040 and 17.22.060 in Chapter 17.22 Commercial Land Use Districts of the Calistoga Municipal Code shall read in their entirety as follows (additions noted in underline, deletions noted in “~~strike through~~”):

**17.22.040 Downtown commercial (DC) district – Allowed, conditionally permitted and prohibited uses.**

A. *The following uses are allowed in the DC district and shall only require a conditional an administrative use permit when located in an entry corridor as defined in the 2003 General Plan Update. When an administrative use permit is required, the administrative use permit shall be processed in the same manner as provided in Section 17.22.040(A)(9)(b).*

1. Resident-serving retail and service uses, including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales and repair shops; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
2. Newsstands and bookstores;
3. Personal service establishments, such as spas, beauty salons, and barbershops;
4. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors;
5. Medical and dental clinics;
6. Banks and financial institutions, without drive-up or walk-up facilities;
7. Art galleries;
8. Antique stores;
9. Restaurants, bakeries, café's and other similar uses, with or without outdoor seating, pursuant to the following:
  - a. The proposed establishment meets all of the following criteria:
    - i. The establishment is located in an existing commercial space and does not require an expansion that would increase the square footage of the existing floor area by more than 10%; and
    - ii. No live entertainment or dancing is being proposed; and
    - iii. No outdoor seating is being proposed in a public right-of-way; and
    - iv. The establishment is not a formula business or formula restaurant.
  - b. Administrative review and approval by the Planning and Building Director, subject to the following:

- i. The proposed establishment meets the requirements of all applicable zoning regulations.
  - ii. Written notice of the proposed establishment is mailed to all property owners within 300 feet of the subject property. Such notice shall be given not less than 10 days before the date the application is scheduled for a decision by the Planning and Building Director.
  - iii. No substantial concerns are raised by surrounding property owners or are identified by the Planning and Building Director. If substantial concerns are identified, the proposed establishment shall be referred to the Planning Commission for review and approval pursuant Chapter 17.40 CMC.
10. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.

**17.22.060 Community commercial (CC) district – Allowed, conditionally permitted and prohibited uses.**

*A. The following uses are allowed in the CC district and shall only require a conditional an administrative use permit when located in an entry corridor as defined in the 2003 General Plan Update. When an administrative use permit is required, the administrative use permit shall be processed in the same manner as provided in Section 17.22.040(A)(9)(b).*

1. Resident-serving retail and service uses including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales and repair shops; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
2. Newsstands and bookstores;
3. Personal service establishments, such as spas, beauty salons, and barbershops;
4. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors;
5. Medical or dental clinics;
6. Banks and financial institutions, without drive-up facilities;
7. Veterinary clinics, without boarding facilities;
8. Dance studios and schools;
9. Art galleries;

10. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.

**SECTION THREE:**

If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION FOUR:**

**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 **16<sup>th</sup> day of December, 2008** and was passed and adopted at a regular meeting of the Calistoga City Council on the **6<sup>th</sup> day of January, 2009** by the following vote:

**AYES:** Mayor Gingles, Vice Mayor Dunsford, Councilmembers Garcia, Kraus and Slusser

**NOES:** None

**ABSTAIN/ABSENT:** None

**ATTEST:**

  
**SUSAN SNEDDON, City Clerk**

  
**JACK GINGLES, Mayor**