

ORDINANCE NO. 662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING TITLE 17 (ZONING ORDINANCE) OF THE CALISTOGA MUNICIPAL CODE REZONING THE PROPERTY LOCATED AT 963/965 SILVERADO TRAIL (APN 011-050-043) FROM "R3" RESIDENTIAL/PROFESSIONAL OFFICE TO "CC-DD", COMMUNITY COMMERCIAL – DESIGN DISTRICT

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

SECTION ONE:

WHEREAS, on March 23, 2009 Paul Dorhing, on behalf of Joseph and Jill Cabral, submitted a request to rezone their property located at 963/965 Silverado Trail with the "I", Light Industrial District and to amend the Zoning Ordinance to including bicycle rentals and tour use as an allowed use within the "I", Light Industrial Zoning District; and

WHEREAS, the Planning Commission at its regular meeting of July 8, 2009 considered the proposed rezone and revisions to the "I", Light Industrial District and prior to taking action on the application, the Planning Commission received written and oral reports by the staff; and

WHEREAS, subsequent to a duly noticed public hearing the Planning Commission adopted Resolutions PC 2009-15 denying the applicant's request and forwarded a recommendation to the City Council to rezone the property within the "CC-DD", Community Commercial – Design District; and

WHEREAS, the Planning Commission found that the proposed zoning ordinance map amendment is consistent with the General Plan policies and would have no detrimental affect on the public health, safety and general welfare of the community. The proposed zoning district provides for development provisions that are consistent with the community's goals to preserve, protect and enhance the transitional spaces between unincorporated area of the County and the neighboring commercial uses; and

WHEREAS, a public notice of the City Council public hearing of August 4, 2009 for this Zoning Ordinance Map Amendment was published in the local newspaper, distributed to properties within 300 feet and made available on the City's website;

WHEREAS, the City Council of the City of Calistoga has reviewed and considered the applicant's request and the Planning Commission's recommendation at its regular meeting on August 4, 2009 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 adopted the following findings with the introduction of an Ordinance:

1. City Council finds 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.
2. City Council finds that the proposed rezone is consistent with the General Plan policies and would have no detrimental affect on the public health, safety and general welfare of the community. The proposed zoning district provides for development provisions that are consistent with the community's goals to preserve, protect and enhance the

transitional spaces between unincorporated area of the County and the neighboring commercial uses.

SECTION TWO:

The following amendment to Title 17 (Zoning Ordinance) of the Calistoga Municipal Code is hereby adopted:

The Zoning Map provided in Section 17.02.160 of Title 17 of the Calistoga Municipal Code is amended to rezone the land located at 963/965 Silverado Trail (APN 11-050-043) from "R-3", Residential/Professional Office District to within the "CC-DD", Community Commercial – Design 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, dated February 5, 1991, which is on file with the City, to reflect the change in zoning for the subject property described in the above title.

SECTION FOUR:

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 FIVE:

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 4th day of August 2009 and was passed and adopted at a regular meeting of the Calistoga City Council on the **18th day of August, 2009** by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST:



SUSAN SNEDDON, City Clerk



JACK GINGLES, Mayor