

ORDINANCE NO. 663

**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, SPECIFICALLY SECTION 17.22.060
TO ALLOW WINERIES AND BICYCLE SALES, RENTALS AND TOURS AS CONDITIONALLY
PERMITTED USES WITHIN THE "CC" 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 2009-16 denying the applicant's requests and forwarding a recommendation to the City Council to rezone the property within the "CC-DD", Community Commercial – Design District and to amend the "CC", Community Commercial Zoning District to include wineries and bicycle sales, rentals and tours as conditionally permitted uses; and

WHEREAS, the Planning Commission found that the proposed zoning ordinance 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 uses are consistent with the City's policies to promote unique businesses that serve the resident and visitor population; and

WHEREAS, a public notice of the City Council public hearing of August 4, 2009 for this Zoning Ordinance Text Amendment was published in the local newspaper and made available on the City's website; and

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 revisions preserve the qualities that make the community unique in manner that is consistent with the General Plan's desire to preserve and protect the entry corridors while providing discretionary authority to approve a variety of uses.

SECTION TWO:

Sections 17.22.060(A)(1) 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 "strikethrough"):

Section 17.22.060(A)(1). Resident-serving retail and service uses including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales and repair shops; bicycle rentals and tours; 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;

SECTION THREE:

Section 17.22.060(B)(21) 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 "strikethrough"):

Section 17.22.060(B)(21). Wine and liquor sales, including tasting facilities and wineries;

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