RESOLUTION 2013 - XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING A VARIANCE TO ORDINANCE NO. 564 REGARDING FLOODPLAIN MANAGEMENT ALLOWING A 6' X 10' STORAGE SHED WITHIN THE FLOODWAY AT 1322 CEDAR STREET (APN 011-223-006)

1 2 3

WHEREAS, the requested variance to allow the construction of a 6' x 10' storage shed in the floodway is within the jurisdiction of the City of Calistoga, and the City of Calistoga has authority under Ordinance Number 564 to grant the requested variance; and

WHEREAS, the subject property is developed on a 5,520 square foot residential lot that is contiguous to and surrounded by lots with existing structures that are also constructed below the base flood elevation and within the floodway, which is a condition for the granting of this variance according to Ordinance Number 564 and other City and Federal Emergency Management Agency ("FEMA") regulations; and

WHEREAS, the requested variance is in harmony with the general purpose and intent of the Floodplain Management for the City of Calistoga; and

WHEREAS, the variance represents a grant of relief to the property from the requirements of this ordinance because specific enforcement would otherwise result in unnecessary hardship. This variance, therefore permits, as limited herein, development in a manner otherwise prohibited by this ordinance; and

WHEREAS, the City Council finds that the structure is located in a portion of the floodway that is over 250 feet from the river channel and that due to the limited size and use of the structure, the structure would not pose a threat to life, limb or property on the property or adjoining properties during a flood event; and

WHEREAS, the City Council finds that the 60 square foot non-habitable storage structure will not affect the public health, safety and welfare.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Calistoga approves a variance to Ordinance No. 564 regarding floodplain management allowing a 6' x 10' storage shed within the floodway at 1322 Cedar Street (APN 011-223-006), as shown on the Site Plan received by the Planning and Building Department on March 12, 2013.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **16**th **day of April, 2013**, by the following vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
	CHRIS CANNING, Mayor

ATTEST:

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AMANDA DAVIS, Deputy City Clerk

RESOLUTION 2013 - XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING A NON-ROUTINE ENCROACHMENT PERMIT FOR A 6' X 10' STORAGE SHED AT 1322 CEDAR STREET (APN 011-223-006)

1 WHEREAS, the Calistoga Municipal Code Section 12.08 allows for the issuance of 2 non-routine encroachment permits for the construction of garbage/recycling enclosures 3 within the public right-of-way; and 4 5 WHEREAS, an application for a non-routine encroachment has been received for 6 the construction of a 6' X 10' storage shed at 1322 Cedar St. (Spring Street side) (APN 7 011-223-006); and 8 9 WHEREAS, the proposed storage shed does not constitute a visual barrier at the 10 corner of Spring and Cedar Streets; and 11 12 WHEREAS, the encroachment permit will be recorded with the Napa County 13 Recorder's office as notice of conditions to successors in interest or any interested person. 14 15 NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Calistoga 16 authorizes the issuance of a non-routine encroachment permit for the construction of a 6' X 17 10' storage shed at 1322 Cedar St. (Spring Street side) (APN 011-223-006) subject to the 18 following conditions: 19 20 1. If it is determined in the future that the City is in need of that portion of the public 21 right-of-way that is utilized for the storage shed, then the property owner shall be 22 required to remove the storage shed, at their expense, within 14 days of notification. 23 24 PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga 25 at a regular meeting held this 16th day of April, 2013, by the following vote: 26 27 AYES: 28 NOES: 29 **ABSTAIN:** 30 ABSENT: 31 32 33 **CHRIS CANNING, Mayor** 34 35 ATTEST: 36 37 38

AMANDA DAVIS, Deputy City Clerk

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