## CITY OF CALISTOGA PLANNING COMMISSION RESOLUTION PC 2008-44

A RESOLUTION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL FOR THE ADOPTION OF AN ORDINANCE THAT AMENDS THE CALISTOGA MUNICIPAL CODE, SPECIFICALLY TITLE 17.22, COMMERCIAL LAND USE DISTRICTS TO ESTABLISH PROVISIONS FOR AUTHORIZING SIDEWALK DINING ESTABLISHMENTS WITHIN THE PUBLIC RIGHTS-OF-WAY IN COMMERCIAL LAND USE DISTRICTS, CHAPTER 17.04 DEFINITIONS TO ADD RELATED DEFINITIONS, AND SECTION 12.08.020 ENCROACHMENTS OF PUBLIC RIGHTS-OF-WAY — DEFINITIONS OF TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES TO ADD SIDEWALK DINING UNDER "ROUTINE ENCROACHMENT"

**WHEREAS**, the General Plan provides direction for the enhancement of the Commercial Zoning Districts as a key to Calistoga's economic well being as follows:

- (CI-1.2) Maintain and enhance the urban design quality of the downtown;
- (CIR-3.2) Provide a pedestrian network that encourages walking for short trips and recreation;
- (LU-1.1) Ensure that new commercial development enhances and maintains the vibrancy of Calistoga's downtown;
- (ED-1.2) Expand economic activity in Calistoga that builds on the community's strengths and reinforces its small town character;

WHEREAS, the Planning & Building Department was requested to assist the Community Resources Commission (CRC) in bringing forward an updated Sidewalk Dining Ordinance that was placed on hold by the City Council on June 15, 2004, in response to City Council adoption of Resolution No. 2007-86, which approved the Community Resources Commission Work Plan for Fiscal Year 2007/2008;

WHEREAS, on April 16, 2008 and September 17, 2008, the Planning & Building Department presented to the Community Resources Commission's an updated draft Ordinance for their review and recommendation to the Planning Commission and City Council. Prior to recommending adoption of the proposed ordinance, the Community Resources Commission received written and oral reports by the staff, and received public testimony;

WHEREAS, the Planning Commission considered the proposed establishment of provisions for authorizing sidewalk dining establishments within the public rights-of-way in Commercial Land Use Districts at its regular meeting of September 24, 2008 and October 22, 2008. Prior to taking action on the proposed revisions, the Planning Commission received written and oral reports by the staff, and received public testimony;

WHEREAS, the Planning Commission finds the proposed procedures for processing procedures for sidewalk dining establishments within the public rights-of-way in Commercial Land Use Districts as provided for in Exhibit A are necessary and proper for maintaining a positive business climate in the community;

Resolution No. PC 2008-44 Page 2 of 2

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ATTEST:

Kathleen Guill

Secretary to the Planning Commission

38 WHEREAS, the Planning Commission finds that one of the ways to maintain and 39 enhance the activity, vitality and ambience of the Commercial Districts is to encourage 40 sidewalk dining activity. This facilitates the expansion of existing businesses and is a 41 pedestrian oriented use that can draw additional people to the commercial area; 42 WHEREAS, the Planning Commission finds that the proposed revisions provide 43 a streamlined approach to processing applications and preserves the qualities that 44 make the community unique in a manner that is consistent with the General Plan's 45 desire to ensure a small town character; 46 47 48 WHEREAS, the Planning Commission finds that the proposed procedures will 49 not limit the City's ability to require Conditional Use Permit review of sidewalk dining 50 establishments within the public rights-of-way should substantial concerns be identified; 51 and 52 53 WHEREAS, the Planning Commission has been determined this action to not be 54 subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) 55 of the CEQA Guidelines. 56 57 NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that, based on the above findings, the proposed amendment pertaining to 58 establishing procedures for the processing of sidewalk dining establishments within the 59 public rights-of-way in Commercial Land Use Districts is forwarded to the City Council 60 61 with a recommendation of adoption. 62 63 PASSED, APPROVED, AND ADOPTED on October 22, 2008, by the following 64 vote of the Calistoga Planning Commission: 65 66 AYES: 67 NOES: 68 ABSENT/ABSTAIN:

Jeff Manfredi, Chair