

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”

1
2 **WHEREAS**, the General Plan provides direction for the enhancement of the
3 Commercial Zoning Districts as a key to Calistoga’s economic well being as follows:
4

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

12
13 **WHEREAS**, the Planning & Building Department was requested to assist the
14 Community Resources Commission (CRC) in bringing forward an updated Sidewalk
15 Dining Ordinance that was placed on hold by the City Council on June 15, 2004, in
16 response to City Council adoption of Resolution No. 2007-86, which approved the
17 Community Resources Commission Work Plan for Fiscal Year 2007/2008;
18

19 **WHEREAS**, on April 16, 2008 and September 17, 2008, the Planning & Building
20 Department presented to the Community Resources Commission’s an updated draft
21 Ordinance for their review and recommendation to the Planning Commission and City
22 Council. Prior to recommending adoption of the proposed ordinance, the Community
23 Resources Commission received written and oral reports by the staff, and received
24 public testimony;
25

26 **WHEREAS**, the Planning Commission considered the proposed establishment of
27 provisions for authorizing sidewalk dining establishments within the public rights-of-way
28 in Commercial Land Use Districts at its regular meeting of September 24, 2008 and
29 October 22, 2008. Prior to taking action on the proposed revisions, the Planning
30 Commission received written and oral reports by the staff, and received public
31 testimony;
32

33 **WHEREAS**, the Planning Commission finds the proposed procedures for
34 processing procedures for sidewalk dining establishments within the public rights-of-way
35 in Commercial Land Use Districts as provided for in Exhibit A are necessary and proper
36 for maintaining a positive business climate in the community;
37

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

43 **WHEREAS**, the Planning Commission finds that the proposed revisions provide
44 a streamlined approach to processing applications and preserves the qualities that
45 make the community unique in a manner that is consistent with the General Plan's
46 desire to ensure a small town character;

47 **WHEREAS**, the Planning Commission finds that the proposed procedures will
48 not limit the City's ability to require Conditional Use Permit review of sidewalk dining
49 establishments within the public rights-of-way should substantial concerns be identified;
50 and
51

52 **WHEREAS**, the Planning Commission has been determined this action to not be
53 subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3)
54 of the CEQA Guidelines.
55

56 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
57 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 with a recommendation of adoption.
61

62 **PASSED, APPROVED, AND ADOPTED** on October 22, 2008, by the following
63 vote of the Calistoga Planning Commission:
64

65
66 AYES:

67 NOES:

68 ABSENT/ABSTAIN:
69

70 _____
Jeff Manfredi, Chair

71 ATTEST: _____
72 Kathleen Guill
73 Secretary to the Planning Commission