


City of Calistoga

Staff Report

TO Honorable Mayor and City Council
FROM Lynn Goldberg, Planning and Building Director
DATE October 3, 2017
SUBJECT Second Reading of Ordinance No. 731

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

ISSUE: Zoning Code Amendment Requiring Public Notice for Administrative Residential Design Review (ZOA 2017-2)

RECOMMENDATION: Adopt Ordinance No. 731 as submitted

BACKGROUND: On September 19, 2017, following a public hearing, the City Council introduced and waived the first reading of the attached ordinance.

ATTACHMENT

1. Ordinance No. 731

ORDINANCE NO. 731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING TITLE 17, ZONING, TO REQUIRE PUBLIC NOTICE FOR ADMINISTRATIVE RESIDENTIAL DESIGN REVIEW APPLICATIONS (ZOA 2017-2)

1 **WHEREAS**, in 2014, the Zoning Code was amended to delegate review authority
2 to the Planning Director for the construction of certain single-family dwelling and
3 additions and alterations to those dwellings in the RR, R-1 and R-2 Zoning Districts; and

4 **WHEREAS**, the Zoning Code does not currently provide the opportunity for
5 property owners in the vicinity of proposed administrative residential design applications
6 to be made aware of pending development or to provide input prior to Planning Director
7 action, and the City of Calistoga wishes to provide for such notice; and

8 **WHEREAS**, the Planning Commission considered a substantially similar
9 amendment at a public hearing on July 26, 2017, and adopted PC Resolution 2017-12
10 recommending its approval to the Council.

11 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
12 **ORDAIN AS FOLLOWS:**

13 **SECTION ONE**

14 Findings. The above recitals are incorporated herein as if set forth herein in full
15 and each is relied upon independently by the City Council for its adoption of this
16 ordinance.

17 **SECTION TWO**

18 Calistoga Municipal Code Sections 17.41.030 (A) and (C) are hereby amended
19 as follows, where deletions are identified through ~~strikeout~~ and additions are identified
20 with underlining.

21 17.41.030 Application submittal and review

22 A. An application for design review approval shall be filed in accordance
23 with CMC 17.02.120. The application shall be accompanied by the
24 information identified in the Planning and Building Department handout
25 as being required for design review applications. It is the responsibility
26 of the applicant to provide evidence in support of the findings required
27 by CMC 17.41.050.

28 C. ~~It is the responsibility of the applicant to provide evidence in support of~~
29 ~~the findings required by CMC 17.41.050.~~

30 At least 15 days prior to the Planning and Building Director taking
31 action on a design review application for an item that is listed in
32 Section 17.41.020(A)(1), a notice shall be sent via U.S. Mail to
33 property owners within 300 feet of the subject property, as shown on
34 the latest Assessor's tax roll. The notice shall generally describe the
35 proposed project, identify the date that the Director is anticipated to
36 take action on the application, advise of the public's ability to submit

37 comments on the proposal prior to this date, and note the deadline to
38 appeal the Director's decision. The same notice shall also be posted
39 on the project site at least 15 days prior to action being taken.

40 **SECTION THREE**

41 Environmental Review. This action has been reviewed in accordance with the
42 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the
43 "general rule" exemption. The City has determined that because it can be seen with
44 certainty that there is no possibility that the proposed amendments will have an impact
45 on the environment, this ordinance is exempt from CEQA under the general rule.

46 **SECTION FOUR**

47 Severability. If any section, subsection, subdivision, paragraph, sentence,
48 clause, or phrase in this ordinance or any part thereof is for any reason held to be
49 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
50 decision shall not affect the validity or effectiveness of the remaining portions of this
51 ordinance or any part thereof. The City Council hereby declares that it would have
52 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
53 thereof irrespective of the fact that any one or more subsections, subdivisions,
54 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or
55 ineffective.

56 **SECTION FIVE**

57 Effective Date. This Ordinance shall take effect thirty (30) days after its passage
58 and before the expiration of fifteen (15) days after its passage, shall be published in
59 accordance with law, in a newspaper of general circulation published and circulated in
60 the City of Calistoga.

61 THIS ORDINANCE was introduced with the first reading waived at the City of
62 Calistoga City of Council meeting of the **19th day of September, 2017**, and was
63 passed and adopted at a regular meeting of the Calistoga City Council on the **3rd day of**
64 **October, 2017**, by the following vote:

65 **AYES:**

66 **NOES:**

67 **ABSENT:**

68 **ABSTAIN:**

69 _____
70 **Chris Canning, Mayor**

71 **ATTEST:**

72 _____
73 **Kathy Flamson, City Clerk**
74