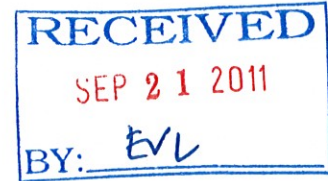


September 21, 2011



James E. Avery
15 Tweed Terrace
San Rafael, CA 94901

Mr. Ken MacNab
Planning & Building Manager
City of Calistoga Planning Commission
1232 Washington Street
Calistoga, CA 94515

RE: Proposed building at 1329 Lincoln Avenue
(APN 011-221-023)

Dear Mr. MacNab,

I am the owner of the property located at 1333 Lincoln Avenue. Next to my building is an empty lot that currently is being used for seating for the public and is being rented by the City of Calistoga.

I have been made aware that there is a proposed application to build a new 2,668 square foot 2-story infill structure on this vacant lot. This proposed application raises several important concerns regarding my property.

My major concerns are as follows.

1. There is an emergency exit door towards the back of my building that has been used for safety and fire exit since it was built some 90 years ago. No one has ever prevented its use by the tenants of my building, nor filed a complaint regarding the use of that door. I believe that, after all these years, this door (which does open out onto this vacant lot) qualifies for an "Easement by Prescription or Necessity". For safety and fire concerns, I believe this door cannot be closed off or blocked.
2. The proposed new building will be constructed six inches (6") from the wall of my existing building. In my opinion, it is bad planning to allow such inadequate space between the structures. To build new construction, and put it almost physically against an old very old one, often opens a can of worms, and causes risk factors to both buildings – particularly in the event of an earthquake, fire or settlement of the foundation from gravitational forces of the earth. The after-effects of the 1906 San Francisco Earthquake immediately

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comes to mind. Further, a mere 6 inches leaves neither party room to maintain the respective walls, and no way to effect repairs, if such are needed.

My building was built in 1920. It is over 90 years old! Obviously, this is an old building. Many things can and do happen to old buildings with little or no explanation as to why they occur. For example, what happens if, for no apparent reason, the side of my building develops a serious crack in the wall? There is not enough room to allow someone in between the buildings to fix it. I truly wish that the City of Calistoga would show some respect to their old and historic buildings, they are a great part of the charm, tourism value, and history of a city. Old buildings are like old people - they need tender loving care and they need room to be created for repairs and maintenance.

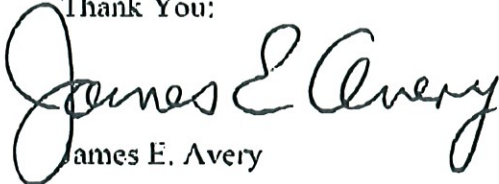
Someone in the planning department suggested that if something like this was to happen, you would have to fix, repair, or replace the damage by working from the inside of your existing building." This brings up an additional concern.

I have two tenants on lease, and I don't believe any repairs are going to happen inside of my building without lawsuits coming from the tenants due interruption of their business. In the event of something like this happening, I am sure such would happen. Of greater importance, when businesses are closed, business and tax revenues fall. In the present economy, especially considering that Calistoga survives on the tourist trade, closed and vacant businesses hurt everyone.

My building has a zero lot line – such practice was grand-fathered in long ago, perhaps without much consideration for the consequences. It is time that cities stop allowing zero lot lines. As you can see from my above concerns, zero lot lines do not work to the benefit of anyone. Why continue to sustain a practice that is historically problematic? It is time to make changes and seriously rethink building codes that are well over ninety years old.

In consideration of all of the above, I suggest that there should be an alley created between the two walls of the buildings of at least three (3) feet.

Thank You:


James E. Avery