

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALISTOGA
APPROVING CONDITIONAL USE PERMIT CUP 2013-02 AND DESIGN REVIEW DR
2012-03 ALLOWING THE DEVELOPMENT OF A TWO-STORY ACCESSORY
STRUCTURE CONTAINING A HANDICAPPED-ACCESSIBLE GUEST UNIT, AN
APARTMENT AND USES ANCILLARY TO THE ADJOINING RESTAURANT ON THE
PROPERTY LOCATED AT 1250 LINCOLN AVENUE (APN 011-232-004)**

1
2 **WHEREAS**, on February 27, 2013 the applicant submitted Conditional Use
3 Permit and Design Review applications to develop a two-story accessory structure
4 containing a handicapped-accessible guest unit, an apartment and uses ancillary to the
5 adjoining restaurant on the property located at 1250 Lincoln Avenue (APN 011-232-004)
6 within the “DC-DD” Downtown Commercial - Design District; and
7

8 **WHEREAS**, the Planning Commission considered the requests at its regular
9 meeting of March 27, 2013. Prior to taking action on the application, the Planning
10 Commission received written and oral reports by the staff, and received public
11 testimony; and
12

13 **WHEREAS**, this action has been reviewed for compliance with the California
14 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
15 pursuant to Section 15332 of the CEQA guidelines; and
16

17 **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 has
18 made the following Design Review findings for the project:
19

- 20 1. The design shall be compatible with the existing development pattern with regard
21 to massing, scale, setbacks, color, textures, materials, etc.
22

23 Finding: The proposed design has been massed so as to create an authentic
24 and attractive streetscape. The proposed two-story mass with appropriately-
25 scaled roofline softens and reduces the scale of the structure. The proposed
26 building appropriately fills the site under the existing tree canopy and is designed
27 to greet the Cedar Street sidewalk, creating a pedestrian-friendly frontage.
28

29 The traditional palette of colors, textures and materials have been integrated into
30 the design so as to create a building that is naturally compatible with the historic
31 downtown and surrounding residential district. The palette for this composition of
32 a slightly off-white board and batten siding is in harmony with the downtown and
33 its residential neighbors.
34

- 35 2. The design shall result in an appropriate site layout, orientation, and location of
36 structures, relationship to one another, open spaces and topography.
37

38 Finding: The existing conditions and surrounding developments have been
39 established in an historic fashion. The locations of the structures are appropriate
40 for the site yet sensitive to the surrounding properties.

- 41
42 3. The design shall provide a harmonious relationship of character and scale with
43 existing and proposed adjoining development, achieving complementary style,
44 while avoiding both excessive variety and monotonous repetition.

45
46 Finding: The design is not inharmonious and will not be a monotonous building
47 that appears artificial or one-dimensional; instead it will relate to the site and the
48 surroundings.

- 49
50 4. The building design, materials, colors and textures shall be compatible and
51 appropriate to Calistoga, and the architectural design or structures and their
52 materials and colors shall be appropriate to the function of the project.

53
54 Finding: The propose structure's exterior colors and materials will blend with the
55 rural character and that are indicators of the function of the structure.

- 56
57 5. The design shall provide for harmony of materials, colors, and composition of
58 those sides of a structure, which are visible simultaneously.

59
60 Finding: All sides of the proposed structure have compatible architectural
61 detailing, materials and colors.

- 62
63 6. The design shall provide consistency of composition and treatment.

64
65 Finding: The building profiles are simple, which is compatible with the rural
66 small-town character of the area.

- 67
68 7. The design shall consider the location and type of planting with regard to valley
69 conditions, including the preservation of specimen and landmark trees upon a
70 site with proper irrigation to insure water conservation and maintenance of all
71 plant materials.

72
73 Finding: The proposed landscaping materials are suitable for the local climate
74 and will be properly irrigated to maintain the condition of the property. All existing
75 trees will be preserved.

- 76
77 8. The exterior lighting, design, signs and graphics shall be compatible with the
78 overall design approach and appropriate for the setting.

79
80 Finding: The proposal does not intend to substantially alter the existing exterior
81 lighting and the proposed signage will be minimal, per the conditions of approval,
82 and is appropriate for a commercial area.

84 9. The design shall provide for improvement of existing site conditions, including but
85 not limited to signage, landscaping, lighting, etc., to achieve closer compliance
86 with current standards.

87
88 Finding: See previous comment No. 8.

89
90 10. The design promotes a high design standard and utilizes quality materials
91 compatible with the surrounding development consistent with and appropriate for
92 the nature of the proposed use.

93
94 Finding: The proposal sets and promotes a high design standard and utilizes
95 materials of high quality and character that are compatible with the surrounding
96 development yet unique in the way they are finished and treated qualitatively.

97
98 11. The design presents a responsible use of natural and reclaimed resources.

99
100 Finding: There are many elements of this project which are important green
101 building practices and are elements of the LEED program of environmentally-
102 sustainable building practices.

103
104 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made
105 the following Conditional Use Permit findings for the project:

106
107 1. The proposed development, together with any provisions for its design and
108 improvement, is consistent with the General Plan, any applicable specific plan
109 and other applicable provisions of the Zoning Code including the finding that the
110 use as proposed is consistent with the historic, rural, small-town atmosphere of
111 Calistoga.

112
113 Finding: The proposed structure and its intended uses are consistent with the
114 General Plan land use designation of Downtown Commercial, allows visitor
115 accommodations and residential uses. This infill project complements and
116 enhances Calistoga's small-town rural character. As such, the expansion of an
117 existing hotel conforms to land use policies of the existing Downtown
118 Commercial land use designation as identified in the General Plan.

119
120 2. The site is physically suitable for the type and density of development.

121
122 Finding: The proposed site is adequate in size and shape to accommodate the
123 structure within the required setbacks along with supporting landscaping and
124 other development features.

125
126 3. The proposed development has been reviewed in compliance with the California
127 Environmental Quality Act (CEQA) and the project will not result in detrimental or
128 adverse impacts upon the public resources, wildlife or public health, safety and
129 welfare.

131 Finding: This project is exempt from CEQA under Section 15332.
132

- 133 4. Approval of the use permit application will not cause adverse impacts to
134 maintaining an adequate supply of public water and an adequate capacity at the
135 wastewater treatment facility.
136

137 Finding: The City's water system and wastewater treatment facility is adequate to
138 serve this infill project.
139

- 140 5. Approval of the use permit application shall not cause the extension of service
141 mains greater than 500 feet.
142

143 Finding: Approval of this use permit application will not require the extension of
144 service mains greater than 500 feet.
145

- 146 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16
147 CMC (Resource Management System) shall be made prior to project approval.
148 Said allocation shall be valid for one year and shall not be subject to renewal.
149

150 Finding: The City's water system and wastewater treatment facility is adequate
151 to serve this infill project.
152

- 153 7. The proposed development presents a scale and design which are in harmony
154 with the historical and small-town character of Calistoga.
155

156 Finding: The proposed design reflects the traditional development pattern for the
157 downtown while considering the adjacent residential district ensuring a
158 harmonious relationship with the small-town character.
159

- 160 8. The proposed development is consistent with and will enhance Calistoga's
161 history of independent, unique, and single location businesses, thus contributing
162 to the uniqueness of the town, which is necessary to maintain a viable visitor
163 industry in Calistoga and to preserve its economy.
164

165 Finding: The expansion allows a unique independently-owned business to thrive
166 and continue to be a successful attribute to the community.
167

- 168 9. The proposed development complements and enhances the architectural
169 integrity and eclectic combination of architectural styles of Calistoga.

170 Finding: The structure will complement and blend in with the eclectic
171 architectural styles found in Calistoga.
172

173 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
174 Commission that based on the above findings, the Planning Commission approves the
175 proposed project, subject to following Conditions of Approval:
176

- 177 1 The uses hereby permitted shall substantially conform to the project description
178 received March 13, 2013 and the supporting plans received March 21, 2013 by the
179 Planning and Building Department, except as noted in the permit conditions. This
180 use permit and design review allow the development of a two-story accessory
181 structure containing a handicapped-accessible guest unit, an apartment and uses
182 ancillary to the adjoining restaurant. The apartment shall not be used for guest
183 accommodation unless approved by the Planning Commission.
184
- 185 2 This permit shall be null and void if not used within a one year period, or if the use
186 is abandoned for a period of one hundred and eighty (180) days. This permit shall
187 be valid until it expires or is revoked pursuant to the terms of this permit and/or
188 Chapter 17.40 of the Calistoga Municipal Code. Minor modifications which do not
189 increase environmental impacts may be approved in writing by the Planning and
190 Building Director.
191
- 192 3 The owner(s) shall permit the City of Calistoga or representative(s) or
193 designee(s) to make periodic inspections at any reasonable time deemed
194 necessary in order to assure that the activity being performed under authority of
195 this permit is in accordance with the terms and conditions prescribed herein.
196
- 197 4 This use permit does not abridge or supercede the regulatory powers or permit
198 requirements of any federal, state or local agency, special district or department
199 which may retain regulatory or advisory function as specified by statute or
200 ordinance. The applicant shall obtain permits as may be required from each
201 agency.
202
- 203 5 Prior to operation, the operator shall obtain a Business License to reflect the
204 appropriate number of guest room units (i.e., 19 guest units) pursuant to the City
205 of Calistoga Municipal Code Chapter 5.04. The applicant shall, at all times,
206 remain in compliance with the requirements of Chapter 5.04.
207
- 208 6 The operation shall remain, at all times, in compliance with the City of Calistoga
209 Municipal Code Chapter 3.16, Transient Occupancy Tax and be current on
210 collection of, reporting to and payment of all transient occupancy taxes to the
211 City.
212
- 213 7 An application for building permit shall be submitted for all construction occurring
214 on the site, not otherwise exempt by the California Building Code or any state or
215 local amendment adopted thereto. Prior to the issuance of any building permit,
216 all fees associated with plan check and building inspections, and associated
217 development impact fees established by City ordinance or resolution.
218
- 219 8 Prior to the issuance of any building permit, a fire suppression sprinkler system
220 plan shall be submitted to the Planning and Building Department for review and
221 approval by the Fire Department. Prior to occupancy, the automated fire sprinkler
222 system shall be installed.
223

- 224 9 Prior to occupancy, an inspection shall be conducted by the Fire Department to
225 ensure installation of fire extinguishers, smoke detectors and carbon monoxide
226 detectors.
227
- 228 10 The Calistoga Inn (CAL0051) carries a baseline of 3.82 acre feet of water
229 annually. Prior to building permit issuance, the Public Works Department shall
230 determine if the baseline is adequate to accommodate the proposed uses. If not
231 and/or if the use ever exceeds this baseline or any other change of use occurs to
232 the building, the owner shall obtain a Growth Management Allocation and pay for
233 the additional connection fees required for the additional water and sewer
234 allocation subject to the review and approval of the Planning and Building and
235 Public Works Departments.
236
- 237 11 Prior to occupancy and commencement of use, a waste management plan
238 providing the following information shall be submitted to the Planning and Building
239 Department for approval:
240
- 241 a. The location and type of all trash, waste and recycling receptacles on the
242 property for both the commercial and residential use. All solid waste shall
243 be stored and disposed of in a manner to prevent nuisances or health
244 threats from insects, vectors and odors.
245
- 246 b. The location and operation of the mat washing and equipment cleaning
247 areas shall be provided, to assure that wastewater from these operations
248 is directed into the sanitary sewer, not the storm drain, and that rain/storm
249 water that falls onto this area does not enter the sanitary sewer.
250
- 251 c. The location and operation of the grease and cooking oil collection and
252 storage system shall be provided, with such system designed and
253 operated to prevent such grease/oil from entering either the sanitary
254 sewer or the storm drain systems, and is instead removed regularly by a
255 grease/oil disposal service and disposed of lawfully.
256
- 257 d. The parties responsible for moving trash receptacles in and out of
258 enclosures on collection days.
259
- 260 e. The parties responsible for cleaning and maintaining areas where trash
261 receptacles are stored on the property.
262
- 263 12 Prior to building permit issuance, a Tree Protection and Replacement Plan
264 consistent with Chapter 19.01 shall be reviewed and approved by the Public
265 Works Department. All requirements and restrictions contained in Chapter 19.01
266 of the Calistoga Municipal Code (CMC) shall be complied with, which shall
267 include any recommendations of the Project Arborist.
268
- 269 13 Construction activity shall stay outside the drip line of any protected tree to the
270 maximum extent feasible. Prior to building permit issuance, protective fencing

271 shall be installed subject to the review and approval of the Public Works
272 Department.

273
274 14 Tree preservation measures shall be incorporated into the design of the
275 improvements and shown on the improvement plans in accordance with the
276 City's Tree Preservation Ordinance (CMC 19.01) and the project arborist's
277 recommendations. The project arborist shall be on site during ground disturbing
278 activities, including all activity associated with digging the foundation.
279 Subsequently, the project arborist shall prepare a letter to the Planning and
280 Building Department stating that the observations were made and that any
281 unexpected root damage was mitigated.

282
283 15 Mechanical equipment (i.e., HVAC unit) shall be located on the west elevation
284 toward the interior of the property and shall be appropriately screened from
285 public view subject to the Planning and Building Department review and
286 approval.

287
288 16 Prior to occupancy, the sidewalk along Cedar Street near the east corner of the
289 Calistoga Inn to the corner of Hazel Street shall be removed and replaced with
290 an ADA compliant sidewalk. The existing nonconforming pedestrian ramp at the
291 corner of Cedar and Hazel Streets shall be brought up to current accessibility
292 standards. All curb, gutter and sidewalk damaged in the course of construction
293 shall be replaced prior to final inspection or issuance of a certificate of
294 occupancy.

295
296 17 Prior to building permit issuance, the applicant shall provide the City with a
297 closed circuit television inspection of the existing sewer lateral serving the
298 structure and repair and/or replace the line if warranted.

299
300 18 Prior to building permit issuance, the capacity and condition of existing drainage
301 facilities downstream of the development along Hazel Street shall be analyzed
302 and off-site drainage improvements shall be constructed as deemed necessary
303 by the Department of Public Works. Site grading and drainage improvements
304 shall be shown on the improvement plans.

305
306 19 Prior to occupancy, the applicant shall submit Landscaping Plans and
307 specifications to the Planning and Building Department for review and approval
308 including appropriate landscaping along Hazel Street. Landscaping shall be
309 installed prior to occupancy. All landscaping shall be maintained throughout the life
310 of the project, and shall be replaced as necessary.

311
312 **PASSED, APPROVED AND ADOPTED** on March 27, 2013 by the following vote
313 of the Calistoga Planning Commission:

314
315 AYES:
316 NOES:
317 ABSENT:

318 ABSTAIN:

319

320

321

322

323

324

325

326

327

Jeff Manfredi, Chairman

ATTEST: _____
Lynn Goldberg
Secretary to the Planning Commission