

**CITY OF CALISTOGA**  
**STAFF REPORT**

**TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: ERIK V. LUNDQUIST, SENIOR PLANNER**

**MEETING DATE: JULY 24, 2013**

**SUBJECT: CONDITIONAL USE PERMIT CUP 2013-9  
MAXINE'S – 1365 LINCOLN AVENUE**

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1 **ITEM**

2 Consideration of a conditional use permit to allow the sale of secondhand merchandise  
3 within an existing commercial building located at 1365 Lincoln Avenue within the DC-DD  
4 Downtown Commercial - Design District.

5 **BACKGROUND / PROJECT DESCRIPTION**

6 On June 25, 2013, the Planning and Building Department received an application for a  
7 conditional use permit to allow the sale of secondhand merchandise in an existing  
8 structure located at 1365 Lincoln Avenue (formerly occupied by Mr. Moon's). The total  
9 tenant space area is approximately 840 square feet plus a 130 square foot loft. The  
10 store would have approximately 720 square feet of floor area for display and sales. A  
11 bathroom, closet, storage room and loft will comprise the remainder of the space.

12  
13 Merchandise would be about 50 percent new and 50 percent secondhand. The new  
14 merchandise would be primarily small gift items and/or home accent items (e.g.,  
15 candles, gift cards, scarfs). The secondhand merchandise would be bigger home  
16 furnishings that are hand selected by the business owners. No donations or collection  
17 of merchandise would occur on the property. Some incidental repair and preparation for  
18 sale may occur in the storage or loft areas. The more intense refurbishing of the home  
19 furnishings and décor would occur off site.

20  
21 The store's operating hours vary depending on the season but would likely range  
22 between 10:00 a.m. to 6:30 p.m.

23 No exterior changes to the building are proposed. The applicant did not request signage  
24 with the CUP application. Any future signage and/or minor modifications to the business  
25 would be reviewed at staff level.

26

27 **ANALYSIS**

28 **A. General Plan Consistency**

29 Land Use Designation: The General Plan designation for the project area is Downtown  
30 Commercial, which allows the establishment of a retail business for visitors and  
31 residents. The Downtown Historic Character Area overlay, which also applies to the  
32 property, encourages and supports a diversity of land uses.

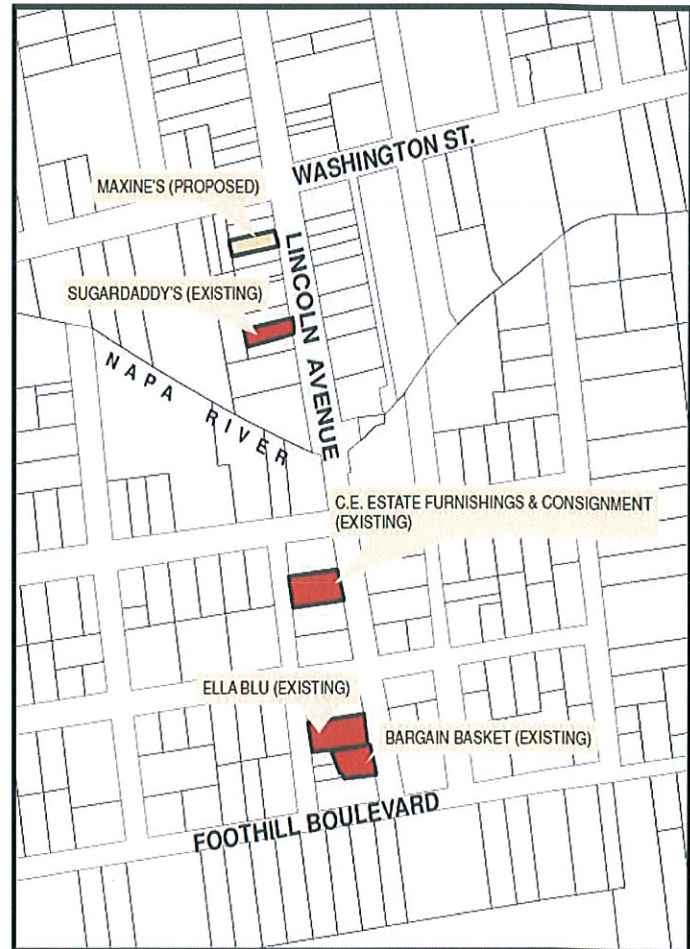
33 Economic Development: Maxine's will occupy a vacant commercial space and  
34 potentially employ local residents, consistent with General Plan Objective ED-1.2.

35 **B. Zoning Ordinance Compliance**

36 Sale of used or secondhand goods, excluding books and magazines, is a conditionally-  
37 permitted use in the Downtown Commercial District where the project site is located.  
38 The conditional use permit process provides an opportunity for the Planning  
39 Commission to evaluate each project individually and assure compatibility with existing  
40 uses and development standards for the zoning district.

41 The proposed retail business is located  
42 in the downtown core where there are a  
43 range of resident and visitor servicing  
44 commercial uses that include  
45 restaurants, cafes, art galleries, retail  
46 shops, and wine tasting establishments.  
47 There are currently four other  
48 predominantly secondhand retail  
49 establishments in the downtown area  
50 between Washington Street and Foothill  
51 Boulevard.

52 In Staff's opinion, each of the existing  
53 secondhand retail businesses, along  
54 with the proposed, will be subtly unique  
55 due to the tastes and preferences of  
56 their respective business owners.  
57 Establishing another retailer that carries  
58 some secondhand merchandise in the  
59 downtown will not negatively impact the  
60 character of the downtown since the  
61 proposed business is independently  
62 owned and operated and the distribution  
63 of similar stores in the downtown is  
64 sufficient enough so the secondhand  
65 retail use will not become the focus of  
66 the commercial district.



67 Additionally, conditions of approval have been incorporated to protect the City's rural  
68 small town character and attractiveness of the storefront. For instance, drop-offs and  
69 outdoor storage and sorting of merchandise will be prohibited, and storefront windows  
70 will be required to be permanently maintained as displays of merchandise in a  
71 professional and attractive manner.

72 Regarding compliance the Zoning Code's development standards, since the building is  
73 pre-existing and no alterations to the structure are proposed, the only matter that must  
74 be considered is the potential increase in parking demand. The Calistoga Municipal  
75 Code requires that a retail space provide 1 space per 200 square feet. The project  
76 would warrant 5 parking spaces. on January 18, 2011 the City Council adopted  
77 Ordinance No. 673 establishing that additional off-street parking spaces and/or payment  
78 of in-lieu parking fees by businesses moving into an existing commercial space shall not  
79 be required if the deficiency is no more than 10 spaces or no more than 25% of the total  
80 required number of parking spaces, whichever is greater. As a result, the proposed  
81 retail use is not required to provide any additional parking.

82 Section 17.28.020 (B)(1) of the Design District overlay requires Design Review approval  
83 for all uses requiring a Use Permit in the DC zoning district. Because there are no  
84 proposed exterior modifications, there are no substantial design issues to be reviewed,  
85 and the requirement for Design Review approval is therefore waived per Section  
86 17.06.020(B)(2) of the Zoning Code.

87

### 88 **C. Growth Management**

89 The property's current allocation of water and wastewater is sufficient to accommodate  
90 the proposed uses, based upon the City's standardized use tables (Resolution No. 99-  
91 65). No additional allocation is required at this time. However, a condition of approval is  
92 proposed that would ensure that the property's water and wastewater use does not  
93 exceed the established baseline.

94

### 95 **D. Health and Safety**

96 The Fire Department has reviewed the application and has indicated that smoke  
97 detectors and fire extinguishers will be required prior to occupancy.

### 98 **PUBLIC COMMENTS**

99 As of July 19, 2013, no public comments had been received regarding this project.

### 100 **FINDINGS**

101 To reduce repetition, all of the necessary findings to approve the conditional use permit  
102 application are contained in the draft resolution.

103

104 **ENVIRONMENTAL REVIEW**

105 The proposed project is Categorically Exempt from the requirements of the California  
106 Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines  
107 (Conversions of Small Structures).

108

109 **RECOMMENDATION**

110 Adopt a resolution approving Conditional Use Permit CUP 2013-9 with conditions.

**ATTACHMENTS**

1. Vicinity Map
2. Draft Resolution
3. Project Description and Floor Plan received June 25, 2013

NOTE: Calistoga Municipal Code provides for a ten (10) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the City Council may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the tenth calendar day following the Commission's final determination.