

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-__

APPROVING CONDITIONAL USE PERMIT CUP 2009-03 ALLOWING THE STABILIZATION OF THE AT&T BUILDING BY INSTALLING HELICAL ANCHORS AND CONSTRUCTING A GRADE/BEAM RETAINING WALL ALONG THE SOUTH SIDE OF THE STRUCTURE LOCATED AT 1310 LINCOLN AVENUE.

1 **WHEREAS**, on April 10, 2009 the applicant submitted a conditional use permit
2 application to allow the stabilization of the equipment building by installing helical
3 anchors and constructing a grade/beam retaining wall along the south side of the
4 structure located at 1310 Lincoln Avenue (APN 011-231-004) within the Downtown
5 Commercial – Design District; and

6 **WHEREAS**, on October 2, 2012 the City Council directed the City Manager to
7 move forward with an offer of land dedication and conveyance of the appropriate
8 easement back to AT&T at the completion of the stabilization work allowing the City to
9 install a pathway; and

10 **WHEREAS**, the Planning Commission has reviewed and considered this
11 application at its regular meeting on August 14, 2013 and prior to taking action on the
12 application, the Commission received written and oral reports by Staff and received
13 public testimony; and

14 **WHEREAS**, the Planning Commission adopted Resolution 2013-__ adopting a
15 Mitigated Negative Declaration based upon the initial study prepared for this project
16 finding that the proposed project, as amended by mitigation measures agreed to by the
17 applicant, would not have a significant adverse impact on the environment; and

18 **WHEREAS**, the Planning Commission pursuant to CMC Chapter 19.08.090 has
19 made the findings necessary to grant an exception to allow structures within the stream
20 setback area, in the form of a use permit, since the project has been designed to avoid
21 excess grading, conform to the natural landform and enhance the riparian corridor.

22 **WHEREAS**, the Planning Commission pursuant to CMC Chapter 17.40.070 has
23 made the following Conditional Use Permit findings for the project:

- 24 1. The proposed development, together with any provisions for its design and
25 improvement, is consistent with the General Plan, any applicable specific plan
26 and other applicable provisions of the Zoning Code including the finding that the
27 use as proposed is consistent with the historic, rural, small-town atmosphere of
28 Calistoga.

29 Finding: The property is located in the Downtown Commercial land use
30 designation and Downtown Historic District Character Area overlay designation.
31 The Character Area overlay designation envisions showcasing the Napa River
32 through the development of a promenade that would serve as a convenient and

33 attractive accessway from public parking areas to the downtown, as directed in
34 the policies below:

35 *Expand commercial/office development and/or parking at the Fire*
36 *Station parking lot area and require improvements along the river*
37 *frontage to facilitate development of a river promenade (GP LU-38,*
38 *bullet 5).*

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40
41 *Enhance pedestrian connections by preserving and creating*
42 *accessways from Lincoln Avenue to the Sharpsteen/Police Station*
43 *Plaza, First Street, Fire Station parking lot, Gerrard Street and Elm*
44 *Street (LU-43, bullet 5).*

45
46 *When appropriate, enhance pedestrian connections to and along the*
47 *Napa River with the goal of creating a river promenade (LU-43, last*
48 *bullet).*

49
50 Furthermore, Figure CIR-3 of the General Plan indicates a Class I Bike Path
51 along the Napa River. As such, accepting the offer of land dedication from AT&T
52 and seeking funding to develop a pathway along the Napa River is consistent
53 with the General Plan.

54 The City of Calistoga Zoning Ordinance is intended to protect and promote public
55 health and safety; to promote a safe, traffic circulation system; and to prevent
56 human and property loss from hazards. These mandates are directly applicable
57 to the project. The Zoning for the site is Downtown Commercial – Design District
58 (DC-DD). Under the DC zoning designation, it is recognized that site
59 improvements may be required. As such, the proposed project is consistent with
60 the General Plan and Zoning District.

- 61
62 2. The site is physically suitable for the type and density of development.

63 Finding: The goal of the project is to protect the existing structure and stabilize
64 the bank. The foundation design is suitable and will meet the intent of project.

- 65 3. The proposed development has been reviewed in compliance with the California
66 Environmental Quality Act (CEQA) and the project will not result in detrimental or
67 adverse impacts upon the public resources, wildlife or public health, safety and
68 welfare.

69 Finding: The Planning Commission adopted a mitigated negative declaration
70 based upon the initial study prepared for the project, finding that with the
71 incorporation of mitigation measures, the project will not have a significant
72 adverse impact on the environment.

73 4. Approval of the use permit application will not cause adverse impacts to
74 maintaining an adequate supply of public water and an adequate capacity at the
75 wastewater treatment facility.

76 Finding: No City water and sewer services are needed to accommodate this
77 project.

78 5. Approval of the use permit application shall not cause the extension of service
79 mains greater than 500 feet.

80 Finding: No service mains need to be extended for the project.

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

84 Finding: No City water and sewer services are needed to accommodate this
85 project.

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

88 Finding: The project will enhance the Napa River bank and will stabilize the
89 existing structure. The existing developments and character of the downtown will
90 not be altered as a result of the project.

91 8. The proposed development is consistent with and will enhance Calistoga's
92 history of independent, unique, and single location businesses, thus contributing
93 to the uniqueness of the town, which is necessary to maintain a viable visitor
94 industry in Calistoga and to preserve its economy.

95 Finding: The project involves earthwork and foundation supports. No impact to
96 the City's economy will occur as a result of this project.

97 9. The proposed development complements and enhances the architectural
98 integrity and eclectic combination of architectural styles of Calistoga.

99 Finding: The foundation work and bank stabilization are appropriate for the
100 setting and will not detract from the adjoining architecture.

101 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
102 Commission that based on the above findings, the Planning Commission approves the
103 proposed project, subject to the following Conditions of Approval.

104 1. This permit authorizes stabilization of the AT&T building by installing helical
105 anchors and constructing a grade/beam retaining wall along the south side of the
106 structure consistent with the plan set received February 7, 2011 prepared by
107 Lionakis, consistent with all other City ordinances, rules, regulations, and
108 policies. The use shall also be consistent with the project description set forth in
109 the Planning Commission Staff Report dated August 14, 2013. The conditions

110 listed below are particularly pertinent to this permit and shall not be construed to
111 permit violation of other laws and policies not so listed.

112 2. Development and use of the project shall conform to all required conditions
113 established herein. If the conditions to the granting of this use permit have not
114 been or are not complied with, or the use which is established by this permit have
115 become detrimental to the public health, safety or general welfare, the Planning
116 Commission may consider an amendment to these conditions or possible
117 revocation of this permit to protect the public health, safety and general welfare
118 of the community, as set forth in the City's Zoning Ordinance. The Planning and
119 Building Department Director may approve minor amendments to this conditional
120 use permit provided that the amendment is still in substantial conformance with
121 the original approval.

122 3. The term of approval of this permit shall expire one year from the permit's
123 effective date, unless an extension and/or building permit has been issued for the
124 project prior to the expiration date.

125 4. The owner(s) shall permit the City of Calistoga or representative(s) or
126 designee(s) to make periodic inspections at any reasonable time deemed
127 necessary in order to assure that the activity being performed under authority of
128 this permit is in accordance with the terms and conditions prescribed herein.

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130 5. This permit does not abridge or supercede the regulatory powers or permit
131 requirements of any federal, state or local agency, special district or department
132 which may retain regulatory or advisory function as specified by statute or
133 ordinance. The applicant shall obtain permits as may be required from each
134 agency.

135
136 6. An application for building permit shall be submitted for all construction occurring
137 on the site not otherwise exempt by the California Building Code or any state or
138 local amendment adopted thereto. Prior to the issuance of any building permit,
139 all fees associated with plan check and building inspections, and associated
140 development impact fees established by City ordinance or resolution.\

141
142 7. All work performed in conjunction with this approval shall be by individuals who
143 possess a valid business license from the City of Calistoga.

144 **PASSED AND ADOPTED** on August 14, 2013, by the following vote of the
145 Calistoga Planning Commission:

- 146
147 AYES:
148 NOES:
149 ABSENT:
150 ABSTAIN:

Resolution No. PC 2013-____
Conditional Use Permit CUP 2009-03
AT&T Foundation Repair Project
1310 Lincoln Avenue APN 011-231-004
August 14, 2013
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JEFF MANFREDI, Chairman

ATTEST: _____
LYNN GOLDBERG
Secretary to the Planning Commission