

To:

Planning Commissioner  
City of Calistoga

From:

Vince Pellerin  
1407 Lincoln Avenue  
Calistoga, Ca. 94515  
Cell: 831 594 1381

Commissioner

On 5/29/08 a business license was issued for Santa Fe West at 1421 Lincoln Avenue. In my opinion, the proposed use is a formula business requiring a public hearing as defined by the Calistoga Municipal Code 17.04.132 sections C. and F. The definition and pertinent sections are included below.

A "Formula Business" shall mean a business or use which by contractual or other arrangement, established or recognized business practice, or membership affiliation, maintains **any** of the following:

C. Interior décor common to a similar business located elsewhere.

F. A name, **appearance, business presentation or other similar features**, which make the business substantially identical to another business within or outside Calistoga.

Here are the facts.

The applicant has communicated to the planning dept. in writing that his proposal will be a retail gallery/jewelry store.

The applicant owns three other similar stores in St. Helena, Healdsburg and Sausalito.

The applicants three other stores share an interior décor that by definition makes him a formula business.

The applicants three other stores have a common appearance, a common business presentation and are substantially identical as seen in the enclosed pictures.

I have included some pictures of the three stores he admits owning. I believe a picture is worth a thousand words and support our contention that his stores share an interior décor, appearance and business presentation that are substantially identical. The applicant will argue that because his proposed Calistoga store will carry some glassware and jewelry not found in his other

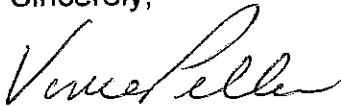
stores he is not subject to the formula business rule. In fact, with insignificant exceptions, his stores are characterized by a redundancy in merchandise.

The intent of the citizens and government of Calistoga left no ambiguity when they included a formula business restriction in the municipal code. Formula restaurants and formula visitor accommodations are strictly prohibited by the municipal code. Formula businesses must have a public hearing in order to receive a use permit.

Calistoga has carefully crafted this code to retain the unique small town character that adds to the economic and commercial vitality of the downtown area.

Thank you for taking your time to review this information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vince Pellerin".

Vince Pellerin

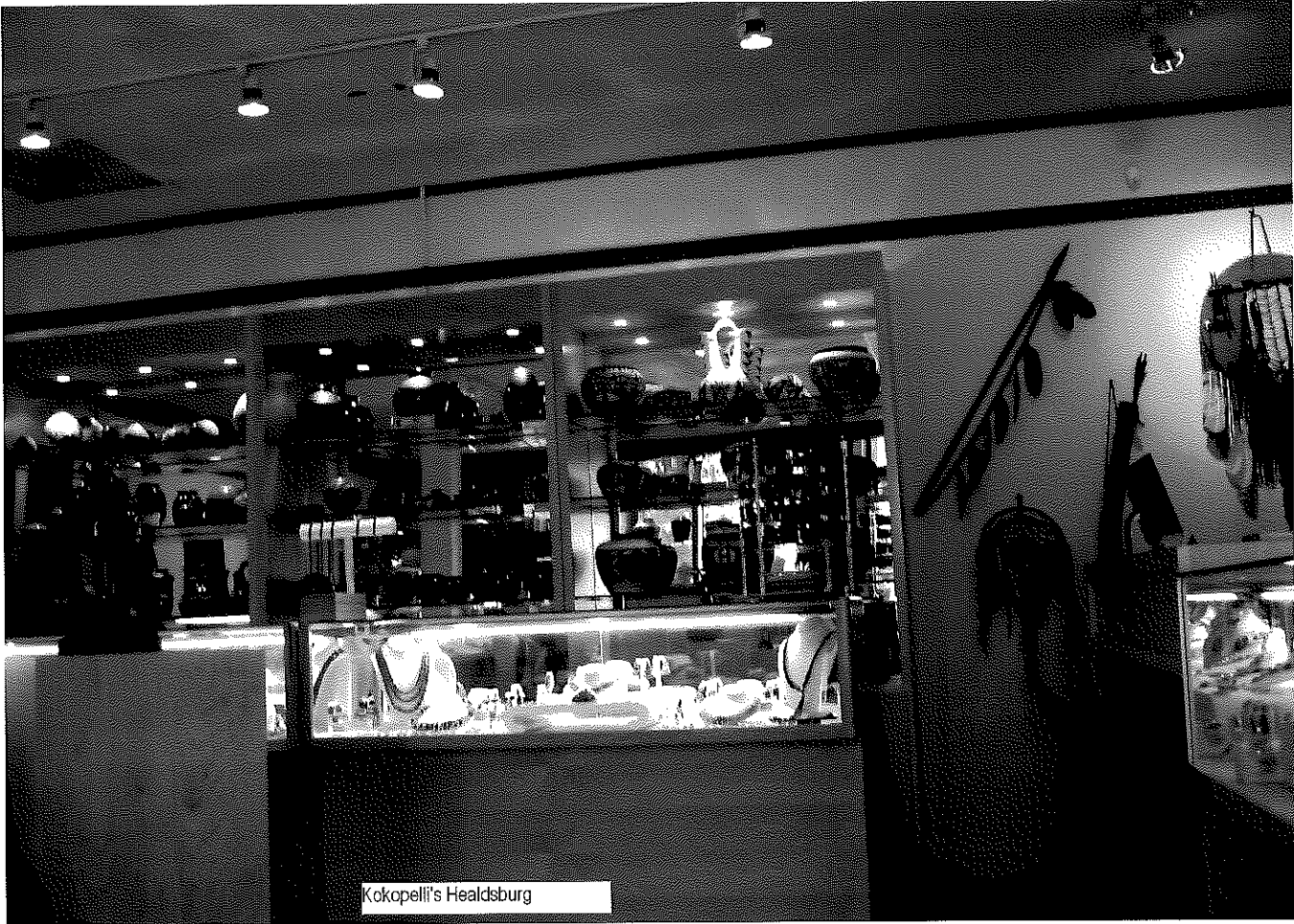




St. Helena



Sausalito



Kokopelli's Healdsburg