

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2014-__**

**APPROVING USE PERMIT UP 2014-9 ALLOWING OUTDOOR SALES AND
DISPLAY ASSOCIATED WITH AN ANTIQUE STORE AT 1124 LINCOLN AVENUE**

1
2 **WHEREAS**, on July 15, 2014, Mario Scullati submitted a request for a use permit
3 in order to allow outdoor sales and display on the property located at 1124 Lincoln
4 Avenue (APN 011-254-005); and

5 **WHEREAS**, the Planning Commission considered the request at its regular
6 meeting of August 13, 2014. Prior to taking action on the application, the Planning
7 Commission received written and oral reports by the staff, and received public
8 testimony; and

9 **WHEREAS**, this action has been reviewed for compliance with the California
10 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
11 pursuant to Section 15301 of the CEQA guidelines; and

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

- 14 1. Finding: The proposed use, together with any provisions for its design and
15 improvement, is consistent with the General Plan, any applicable specific plan
16 and other applicable provisions of the Zoning Code including the finding that the
17 use as proposed is consistent with the historic, rural, small-town atmosphere of
18 Calistoga.

19 Supporting Evidence: The General Plan designation for the property is
20 Downtown Commercial, which allows the establishment of businesses for visitors
21 and residents. The Downtown Historic Character Area overlay, which also
22 applies to the property, encourages and supports a diversity of land uses.

23 The site's Downtown Commercial zoning allows outdoor sales and display upon
24 obtaining a use permit. The outdoor sales and display of antiques is compatible
25 with adjoining uses and is appropriate for the outdoor space since it would have
26 an Old World charm that is consistent with Calistoga's rural small town character.
27 To avoid future inconsistencies with the General Plan or Zoning Code, the use
28 permit will expire when Roam Antiques closes or is sold to a different proprietor.

- 29 2. Finding: The site is physically suitable for the type and density of development.

30 Supporting Evidence: The 24-foot concrete area in front of the building is
31 adequate to support outdoor sales and display of antiques.

- 32 3. Finding: The proposed development has been reviewed in compliance with the
33 California Environmental Quality Act (CEQA) and the project will not result in
34 detrimental or adverse impacts upon the public resources, wildlife or public
35 health, safety and welfare.

36 Supporting Evidence: This project is exempt from CEQA under Section 15301.

37 4. Finding: Approval of the use permit application will not cause adverse impacts to
38 maintaining an adequate supply of public water and an adequate capacity at the
39 wastewater treatment facility.

40 Supporting Evidence: The City's water system and wastewater treatment facility
41 is adequate to serve this infill project.

42 5. Finding: Approval of the use permit application shall not cause the extension of
43 service mains greater than 500 feet.

44 Supporting Evidence: Approval of this use permit application will not require the
45 extension of service mains greater than 500 feet.

46 6. Finding: An allocation for water and/or wastewater service pursuant to Chapter
47 13.16 CMC (Resource Management System) shall be made prior to project
48 approval. Said allocation shall be valid for one year and shall not be subject to
49 renewal.

50 Supporting Evidence: The property has sufficient water and wastewater service
51 to accommodate this project

52 7. Finding: The proposed development presents a scale and design which are in
53 harmony with the historical and small-town character of Calistoga.

54 Supporting Evidence: The outdoor sales and display of antiques is compatible
55 with adjoining uses and is appropriate for the outdoor space since it would have
56 an Old World charm that is consistent with Calistoga's rural small town character.

57 8. Finding: The proposed development is consistent with and will enhance
58 Calistoga's history of independent, unique, and single location businesses, thus
59 contributing to the uniqueness of the town, which is necessary to maintain a
60 viable visitor industry in Calistoga and to preserve its economy.

61 Supporting Evidence: Allowing an existing antique store to expand in the
62 downtown will not negatively impact the character of the downtown since the
63 proposed business is independently owned and operated and the distribution of
64 similar stores in the downtown is sufficient enough so the use will not become the
65 focus of the commercial district.

66 9. Finding: The proposed development complements and enhances the
67 architectural integrity and eclectic combination of architectural styles of Calistoga.

68 Supporting Evidence: Roam Antiques specializes in agricultural and wine-related
69 antiques and has specialty items that embody Calistoga's rural qualities. Having
70 these one-of-a-kind antiques displayed outside will reinforce Calistoga's unique
71 style.

72 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
73 Commission that based on the above findings, the Planning Commission approves the
74 proposed project, subject to following conditions of approval:

- 75 1 The use hereby permitted shall substantially conform to the project description
76 received July 15, 2014 by the Planning and Building Department, except as noted
77 in the permit conditions. This use permit allows the outdoor sales and display of
78 antique merchandise on the property.
- 79 2 This permit shall be null and void if not used within a year, or if the use is
80 abandoned for a period of one hundred and eighty (180) days. This permit is not
81 transferable to a new use or business owner and shall expire in the event the
82 business closes or is sold.
- 83 3 This use permit does not abridge or supercede the regulatory powers or permit
84 requirements of any federal, state or local agency, special district or department
85 which may retain regulatory or advisory function as specified by statute or
86 ordinance. The applicant shall obtain permits as may be required from each
87 agency.
- 88 4. Within 90 days of approval, all sidewalk trip hazards along the property's Lincoln
89 Avenue frontage shall be removed and replaced at the applicant's or property
90 owner's expense subject to the review and approval of the Public Works
91 Department and/or Caltrans.
- 92 5. Within 90 days of approval, the northern-most driveway approach shall be
93 removed and replaced with a continuous curb, gutter and sidewalk subject to the
94 review and approval of the Public Works Department and/or Caltrans.
- 95 6. Any shade structure or covering added to the outdoor display area is subject to
96 design review approval.
- 97 7. Prior to installation of fencing and/or landscaping review and approval of the
98 Planning and Building Department shall be obtained.

99 **ADOPTED** on August 13, 2014 by the following vote of the Calistoga Planning
100 Commission:

101
102 **AYES:**
103 **NOES:**
104 **ABSENT:**
105 **ABSTAIN:**

106
107 _____
108 Paul Coates, Vice Chair

109
110 **ATTEST:** _____
111 Lynn Goldberg
112 Secretary to the Planning Commission