

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2008-34**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2006-09) AND DESIGN REVIEW (DR 2005-03) ALLOWING THE RELOCATION AND CONVERSION OF A SINGLE FAMILY RESIDENCE TO OFFICE ON THE PROPERTY LOCATED AT 1003 FOOTHILL BOULEVARD (APN 011-310-013) WITHIN THE “DC-DD”, DOWNTOWN COMMERCIAL DISTRICT**

1           **WHEREAS**, Jaime and Virginia Cortez, are the owner’s of the subject property for which  
2 this application is proposed; and  
3

4           **WHEREAS**, the applicant has requested consideration of a Conditional Use Permit and  
5 Design Review to allow the existing residential structure to be relocated toward the northeastern  
6 most property corner, five feet of the front and side property lines and converted to office use all  
7 on the property located at 1003 Foothill Boulevard (APN 011-310-013) within the “DC-DD”,  
8 Downtown Commercial District; and  
9

10           **WHEREAS**, the Planning Commission considered the requests at its regular meeting of  
11 August 13, 2008. Prior to taking action on the application, the Planning Commission received  
12 written and oral reports by the staff, and received public testimony; and  
13

14           **WHEREAS**, an environmental assessment, including preparation of an Initial Study,  
15 determined that a Mitigated Negative Declaration was necessary to address the environmental  
16 impacts associated with the Project;  
17

18           **WHEREAS**, the Planning Commission, pursuant to Section 17.22.080(M), *Findings for Use*  
19 *Permits on Property in the Entry Corridors*, has found that this project, as conditioned, meets the spirit  
20 and intent of the twelve required findings. The proposed site improvements and structural modifications  
21 will dramatically increase the overall appearance and functionality of these properties within the entry  
22 corridor;  
23

24           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made the  
25 following Conditional Use Permit findings for the project:  
26

- 27 1.       The proposed development, together with any provisions for its design and  
28 improvement, is consistent with the General Plan, any applicable specific plan and other  
29 applicable provisions of the Zoning Code including the finding that the use as proposed  
30 is consistent with the historic, rural, small-town atmosphere of Calistoga.  
31

32       Response: The commercial space is within an existing single-family residence, and no  
33 substantial alterations to the exterior are proposed. In accordance with General Plan  
34 policies, the project will be operated so as to be compatible with adjacent uses and  
35 business will be conducted in a manner to ensure compliance with conditions of  
36 approval, and no net loss of housing will occur since replacement housing is being  
37 provided on the adjoining lot. Upon fulfillment of the conditions of approval, the  
38 development will meet the requirements of the Zoning Ordinance.  
39

- 40 2.       The site is physically suitable for the type and density of development.  
41

42       Response: The site is physically suitable for the use. There is sufficient landscaping and  
43 open space on all sides of the property. The intensity of the use is not such that would  
44 adversely affect the mixed use neighborhood.

45  
46 3. The proposed development has been reviewed in compliance with the California  
47 Environmental Quality Act (CEQA) and the project will not result in detrimental or  
48 adverse impacts upon the public resources, wildlife or public health, safety and welfare.  
49

50 Response: An environmental assessment, including preparation of an Initial Study,  
51 determined that a Mitigated Negative Declaration was necessary to address the  
52 environmental impacts associated with the Project;  
53

54 4. Approval of the use permit application will not cause adverse impacts to maintaining an  
55 adequate supply of public water and an adequate capacity at the wastewater treatment  
56 facility.  
57

58 Response: The City's water system and wastewater treatment facility is adequate to  
59 serve this infill project.  
60

61 5. Approval of the use permit application shall not cause the extension of service mains  
62 greater than 500 feet.  
63

64 Response: Approval of this use permit application shall not cause the extension of  
65 service mains greater than 500 feet.  
66

67 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC  
68 (Resource Management System) shall be made prior to project approval. Said allocation  
69 shall be valid for one year and shall not be subject to renewal.  
70

71 Response: The project has historic water and wastewater use. The proposal will not  
72 exceed the existing baseline.  
73

74 7. The proposed development presents a scale and design which are in harmony with the  
75 historical and small-town character of Calistoga.  
76

77 Response: The commercial use occurs within a structure previously used as a single-  
78 family dwelling; no substantial exterior changes are proposed other than slightly moving  
79 the structure forward on the lot.  
80

81 8. The proposed development is consistent with and will enhance Calistoga's history of  
82 independent, unique, and single location businesses, thus contributing to the uniqueness  
83 of the town, which is necessary to maintain a viable visitor industry in Calistoga and to  
84 preserve its economy.  
85

86 Response: The small-scale commercial space is independently owned and operated.  
87

88 9. The proposed development complements and enhances the architectural integrity and  
89 eclectic combination of architectural styles of Calistoga.  
90

91 Response: The commercial space is within an existing cottage style single-family  
92 dwelling; no exterior changes to the dwelling are proposed other than to move the  
93 structure forward on the lot.

94           **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 has made the  
95 following Design Review findings for the project:  
96

- 97 1.       The design shall be compatible with the existing development pattern with regard to  
98 massing, scale, setbacks, color, textures, materials, etc.  
99

100           Response: The commercial space is within an existing cottage style single-family  
101 dwelling; no exterior changes to the dwelling are proposed other than to move the  
102 structure forward on the lot.  
103

- 104 2.       The design shall result in an appropriate site layout, orientation, and location of  
105 structures, relationship to one another, open spaces and topography.  
106

107           Response: The existing conditions and surrounding developments have been  
108 established in an historic fashion. The proposed location of the structure is appropriate  
109 for the site yet sensitive to the surrounding properties.  
110

- 111 3.       The design shall provide a harmonious relationship of character and scale with existing  
112 and proposed adjoining development, achieving complementary style, while avoiding  
113 both excessive variety and monotonous repetition.  
114

115           Response: See previous comment #1.  
116

- 117 4.       The building design, materials, colors and textures shall be compatible and appropriate  
118 to Calistoga, and the architectural design or structures and their materials and colors  
119 shall be appropriate to the function of the project.  
120

121           Response: The neutral tan colors with contrasting accent colors are appropriate. This is  
122 consistent with these design guidelines, which require exterior colors and materials that  
123 blend with the rural character and that are indicators of the function of the structure.  
124

- 125 5.       The design shall provide for harmony of materials, colors, and composition of those  
126 sides of a structure, which are visible simultaneously.  
127

128           Response: The existing design respects the existing features of the structures historic  
129 use. The perimeter, building materials, windows, siding, and roof features are relatively  
130 unchanged.  
131

- 132 6.       The design shall provide consistency of composition and treatment.  
133

134           Response: The building profile is simple, which is compatible with the rural character of  
135 the area.  
136

- 137 7.       The design shall consider the location and type of planting with regard to valley  
138 conditions, including the preservation of specimen and landmark trees upon a site with  
139 proper irrigation to insure water conservation and maintenance of all plant materials.  
140

141           Response: No substantial trees existing with in the project area. The substantial trees  
142 existing outside of the project area will remain unaffected. The area of landscaping

143 shown on the site plan will not impact surrounding properties in the valley floor and will  
144 be properly irrigated to maintain the over condition of the property.  
145

- 146 8. The exterior lighting, design, signs and graphics shall be compatible with the overall  
147 design approach and appropriate for the setting.  
148

149 Response: The proposal does not intend to substantially alter the existing exterior  
150 lighting and is appropriate for the entry corridor and historical district. No signage is  
151 proposed or approved as a result of this permit.  
152

- 153 9. The design shall provide for improvement of existing site conditions, including but not  
154 limited to signage, landscaping, lighting, etc., to achieve closer compliance with current  
155 standards.  
156

157 Response: See Previous Comment #8.  
158

- 159 10. The design promotes a high design standard and utilizes quality materials compatible  
160 with the surrounding development consistent with and appropriate for the nature of the  
161 proposed use.  
162

163 Response: The character-defining elements of the original structure are preserved. The  
164 building materials and design elements are compatible with the original design. The  
165 proposed alterations will not diminish its significance.  
166

- 167 11. The design presents a responsible use of natural and reclaimed resources.  
168

169 Response: The property owner has presented a proposal that will reuse the existing  
170 building materials during any future renovation of the structure to the maximum extend  
171 practicable.  
172

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

177 **GENERAL:**  
178

- 179 1 The use hereby permitted shall substantially conform to the project description submitted by  
180 the applicant and the site plan dated December 10, 2007 except as noted in the permit  
181 conditions. This use permit allows the relocation of the existing single family dwelling and  
182 conversion to office use(s). In addition, those uses listed in Section 17.22.040(A) of the  
183 Calistoga Municipal Code shall be permissible upon first obtaining an administrative use  
184 permit and notification to those properties within 300 feet. Those uses listed in Section  
185 17.22.040(B) shall require a conditional use permit subject to the Planning Commission's  
186 approval.  
187

- 188 2 This permit shall be null and void if not used within a one year period, or if the use is  
189 abandoned for a period of one hundred and eighty (180) days. This permit shall be valid  
190 until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the  
191 Calistoga Municipal Code. Minor modifications which do not increase environmental  
192 impacts may be approved in writing by the Planning and Building Director.

- 193  
194 3 The Planning Commission may revoke the use permit pursuant to Section 17.40 of the  
195 Calistoga Municipal Code in the future if the Commission finds that the use to which the  
196 permit is put is detrimental to the health, safety, comfort or welfare of the public, or  
197 causes a nuisance.  
198  
199 4 The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to  
200 make periodic inspections at any reasonable time deemed necessary in order to assure  
201 that the activity being performed under authority of this permit is in accordance with the  
202 terms and conditions prescribed herein.  
203  
204 5 This use permit does not abridge or supercede the regulatory powers or permit  
205 requirements of any federal, state or local agency, special district or department which  
206 may retain regulatory or advisory function as specified by statute or ordinance. The  
207 applicant shall obtain permits as may be required from each agency.  
208

209 **SITE DEVELOPMENT AND AGENCY APPROVALS:**  
210

- 211 6 Prior to operations and/or alterations, a building permit shall be obtained. Plans designed  
212 by a licensed architect or engineer shall be provided to the Planning and Building  
213 Department in accordance with the current policies and regulations in place at the time of  
214 building permit application submittal.  
215  
216 7 Prior to building permit issuance, a Lighting Plan shall be reviewed and approved. All  
217 landscaping shall be installed prior to occupancy or operation.  
218  
219 9. During the construction, demolition, or renovation period of the project the applicant  
220 must use the franchised garbage hauler for the service area in which they are located for  
221 all wastes generated during project development, unless applicant transports their own  
222 waste. If the applicant transports their own waste, they must use the appropriate landfill  
223 or solid waste transfer station for the service area in which the project is located.  
224  
225 10. Prior to occupancy, adequate area must be provided for collection of recyclables. The  
226 applicant must contact the franchised garbage hauler for the service area in which they are  
227 located (i.e. Upper Valley Disposal), in order to determine the area and the access needed  
228 for the collection site. Evidence of adequate area shall be provided to the Planning and  
229 Building Department.  
230  
231 11. Prior to occupancy or operation, the power pole at the northwest corner of the proposed  
232 driveway shall be removed and the overhead lines placed underground (no additional  
233 poles shall be installed as a result) subject to the review and approval of the Public  
234 Works Department and Caltrans. In the event that Caltrans can not support the  
235 undergrounding, the pole shall be relocated.  
236  
237 12. This permit authorizes joint use parking with the adjacent property located at 1009  
238 Foothill Boulevard (APN 011-310-012). Since the properties are currently held by the  
239 same individuals, prior to occupancy, an agreement shall be recorded against the  
240 properties that stipulate that if the adjacent parcel being used for off-street parking is  
241 sold the applicant shall provide a reciprocated parking easement in favor of both  
242 properties subject to the review and approval of the Planning and Building Department.

- 243  
244 13. Prior to occupancy or operation, wheel stops shall be installed and maintained throughout  
245 the life of the project to avoid cars encroaching on the walkways.  
246
- 247 14. Prior to occupancy or operation, all site improvements and structures shall be designed in  
248 accordance with State and Federal accessibility standards, including but not limited to,  
249 providing a curb return driveway with ADA detectable warning surfaces and providing an  
250 accessible space on the property . Staff suggests that the accessible space be developed  
251 at the rear of the structure near the handicap lift.  
252
- 253 15. Prior to occupancy or operation, an encroachment permit shall be obtained to develop a  
254 curb, gutter and sidewalk across the Foothill Boulevard frontage subject to the review and  
255 approval of the Public Works Department in conjunction with Caltrans.  
256
- 257 16. Prior to occupancy or operation, an encroachment permit shall be obtained to install  
258 appropriately placed street trees within the sidewalk of the Foothill Boulevard subject to the  
259 review and approval of the Public Works Department in conjunction with Caltrans.  
260
- 261 17. Prior to occupancy or operation, an encroachment permit shall be obtained to mark and/or  
262 delineate with paint and signage parallel parking spaces within the Foothill Boulevard public  
263 right of way subject to the review and approval of the Public Works Department in  
264 conjunction with Caltrans. The signage shall also include prohibitions on the idling of  
265 parked or standing vehicles and the parking of vehicles of Class 6 and above. The parking  
266 management and/or enforcement shall be the responsibility of the property owner through  
267 signage and education. This does not preclude, abridge or prevent the Police Department  
268 from enforcing its authority.  
269
- 270 18. No signage, other than that signage specified in this permit, has been approved. All  
271 proposed and/or subsequent signage shall be subject to the review and approval of the  
272 Planning and Building Department or Planning Commission prior to installation.  
273
- 274 19. Prior to occupancy, fire sprinklers shall be installed throughout the structure subject to  
275 the review and approval of the Fire Department. A separate fire suppression water line  
276 shall be established subject to the review and approval of the Fire and Public Works  
277 Departments.  
278
- 279 20. Prior to building permit issuance, the Public Works and Planning and Building  
280 Departments shall have reviewed and approved all drainage improvements. Said  
281 improvement plans shall be designed by a civil engineer and in accordance with the  
282 Napa County Design Criteria and any applicable adopted City standards such as Best  
283 Management Practices (BMP) described in the California Stormwater BMP Handbook,  
284 including, but not limited to, sheet flow from pavement into vegetated drainage swales.  
285 The capacity and condition of existing drainage facilities downstream of the development  
286 shall be analyzed and off-site drainage improvements shall be constructed as  
287 necessary. Site grading and drainage improvements shall be shown on the  
288 improvement plans.  
289
- 290 21. Prior to building permit issuance, a vegetated swale or infiltration trench, per the  
291 California Stormwater Quality Association Best Management Practices drainage swale,

- 292 shall be design along the eastern most property line. Prior to occupancy, the drainage  
293 improvements shall be installed and/or constructed.  
294
- 295 22. Prior to occupancy, the sanitary sewer system line for the offices shall be separated from  
296 the adjoining property to the east (APN 011-310-014) subject to the review and approval  
297 of the Public Works Department, unless otherwise allowed.  
298
- 299 23. Prior to occupancy or operations, all physical features associated with this project,  
300 including signage, building columns, and water meters shall be relocated or placed  
301 outside of the public right of way subject to the review and approval of the Planning and  
302 Building Department, unless otherwise allowed.  
303
- 304 24. Prior to operation, the applicant shall obtain a Business License pursuant to the City of  
305 Calistoga Municipal Code Chapter 5.04. The applicant shall, at all times, remain in  
306 compliance with the requirements of Chapter 5.04.  
307

308 **OPERATIONS AND MAINTENANCE:**  
309

- 310 25. The offices shall be allowed to operate Monday through Sunday between the hours of 7:00  
311 am and 7:00 pm, unless otherwise approved by the Planning and Building Department or  
312 Planning Commission.  
313
- 314 26. The business operator shall use all of its civil law authority to prevent loitering on the  
315 premises. Signs shall be strategically and appropriately placed that state that on site  
316 alcoholic beverage consumption and loitering is prohibited both in English and in  
317 Spanish subject to the review and approval of the Planning and Building Director.  
318
- 319 27. Open and outdoor storage of merchandise or materials shall be prohibited.  
320

321 **PASSED, APPROVED AND ADOPTED** on August 13, 2008, by the following vote of the  
322 Calistoga Planning Commission:  
323

324 AYES:  
325 NOES:  
326 ABSENT:  
327 ABSTAIN:  
328  
329

330 \_\_\_\_\_  
331 Clayton Creager, Vice Chairman  
332  
333

334 ATTEST: \_\_\_\_\_  
335 Kathleen Guill  
336 Secretary to the Planning Commission