

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: AUGUST 13, 2008

SUBJECT: APPEAL OF THE PLANNING AND BUILDING DIRECTOR'S DETERMINATION THAT SANTA FE WEST IS AN ALLOWED USE WITHIN THE DOWNTOWN COMMERCIAL ZONING DISTRICT

1 **REQUEST:**

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3 Consideration of an Appeal (2008-01) of the Planning and Building Director's
4 determination that the business, Santa Fe West, is an allowed use not requiring a
5 conditional use permit at 1421 Lincoln Avenue (APN 011-205-008) within the "DC,"
6 Downtown Commercial, zoning district.

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8 **BACKGROUND:**

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10 The Planning Commission originally considered this matter during their regularly
11 scheduled meeting of July 23, 2008. Subsequent to staff's written and oral reports,
12 testimony from the appellant and prospective tenant, and comments from the public
13 during the public hearing portion of the meeting, the Planning Commission requested an
14 inspection of the property (1421 Lincoln Avenue) in order to compare the appearance of
15 the proposed business, including the interior décor, to other business owned and
16 operated by the perspective business owner, Mr. Jabbar. The purposes of this review
17 should provide the Planning Commission more evidence or proof that the business is or
18 is not a formula business as defined by the Zoning Ordinance Section 17.04.132, as
19 follows:

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

- 24 *A. Business name common to a similar business located elsewhere;*
25 *B. Standardized services or uniforms common to a similar business*
26 *located elsewhere;*
27 *C. Interior decor common to a similar business located elsewhere;*
28 *D. Architecture, exterior design, or signs common to a similar business*
29 *located elsewhere;*

- 30 E. *Use of a trademark or logo common to a similar business located*
31 *elsewhere (but not including logos or trademarks used by chambers*
32 *of commerce, better business bureaus, or indicating a rating*
33 *organization including, but not limited to, AAA, Mobile or Michelin); or*
34 F. *A name, appearance, business presentation or other similar features,*
35 *which make the business substantially identical to another business*
36 *within or outside Calistoga. (Ord. 567 § 3, 2000; Ord. 519 § 3, 1996)."*
37

38 Following the tour of inspection, the Planning Commission should discuss their findings
39 and base their determination upon all of the evidence provided to date as it may relate to
40 whether or not this business meets the strict application of the "Formula Business"
41 definition.
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43 Staff's recommendation has not changed since the previous meeting. Please see the
44 attached Planning Commission Staff Report dated July 23, 2008 for additional
45 information and staff's suggested findings and recommendations.
46

47 **RECOMMENDATION:**
48

49 Adopt a Resolution denying Appeal 2008-01 and finding that Santa Fe West is an
50 allowed use not requiring a conditional use permit at 1421 Lincoln Avenue (APN 011-
51 205-008) within the "DC," Downtown Commercial, zoning district.
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53 **SUGGESTED MOTION:**
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55 I move that the Planning Commission adopt Resolution PC 2008-27 denying Appeal
56 2008-01 and finding that Santa Fe West is an allowed use not requiring a conditional use
57 permit at 1421 Lincoln Avenue (APN 011-205-008) within the "DC," Downtown
58 Commercial, zoning district.
59

60 **NOTE:** The applicant or any interested person is reminded that the Calistoga Municipal
61 Code provides for a ten (10) calendar day appeal period. If there is a disagreement with
62 the Planning Commission, an appeal to the City Council may be filed. The appropriate
63 forms and applicable fee must be submitted prior to 5:00 p.m. on or before the tenth
64 calendar day following the Commission's final determination.
65

66 **EXHIBITS**
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- 68 1. Draft Resolution Denying Appeal (A 2008-01)
69 2. Planning Commission Staff Report dated July 23, 2008
70 3. Planning Commission Minutes dated July 23, 2008