



## City of Calistoga

### Planning Commission

### Agenda Item Summary

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<b>DATE</b>	August 23, 2017
<b>ITEM</b>	Use Permit UP 2017-10
<b>APPLICANT</b>	Olof and Elizabeth Carmel
<b>PROPERTY ADDRESS</b>	1329 Lincoln Avenue
<b>ASSESSOR'S PARCEL NO.</b>	011-221-023
<b>GENERAL PLAN DESIGNATION</b>	Downtown Commercial Downtown Character Area Overlay (Historic District Sub-Area)
<b>ZONING DISTRICT</b>	DC Downtown Commercial
<b>STAFF CONTACT</b>	Erik V. Lundquist, Senior Planner
<b>POTENTIAL CONFLICTS</b>	Scott Cooper - Proximity to Business Walter Abernathy - Proximity to Business
<b>RECOMMENDATION</b>	Approve use permit with conditions
<b>SUGGESTED MOTION</b>	"I move that the Planning Commission adopt a resolution to allow an unfinished storage building located at 1329 Lincoln Avenue to be converted into a caretaker's quarters."

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** CALISTOGA PLANNING COMMISSION  
**FROM:** ERIK V. LUNDQUIST, SENIOR PLANNER/ASSIST. TO THE CITY  
MANAGER  
**MEETING DATE:** AUGUST 23, 2017  
**SUBJECT:** CARMEL CARETAKER'S QUARTERS - 1329 LINCOLN AVENUE  
USE PERMIT UP 2017-10

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1  
2 **ITEM**

3 Consideration of a use permit to allow the conversion of an unfinished storage building  
4 located at 1329 Lincoln Avenue to a caretaker's quarters.

5 **PROJECT DESCRIPTION AND SETTING**

6 **A. Existing Conditions**

7 The site is located in the historic downtown area. The area is distinguished by a variety  
8 of architectural styles and uses. The mixture of architectural styles, building scales and  
9 independent business operators is at the essence of the City's unique small town  
10 character and has a significant role in defining the resident and visitor experience within  
11 the downtown corridor.

12 The subject property is located at 1329 Lincoln Avenue. The property is currently  
13 developed with a 2,622 square foot two-story commercial building that covers 39% of  
14 the 3,360 square foot lot. The building was built by the current property owners Olof  
15 and Elizabeth Carmel in 2012. The Carmel's currently operate an art gallery within the  
16 space.

17 The back 46 feet of the property was vacant until recently. On February 8, 2017, the  
18 Planning and Building Department approved a 576 square foot single-story accessory  
19 building at the rear of the property, which brought the total lot coverage to 56%. The  
20 structure was approved for storage use.

21 **Proposed Project**

22 The Carmels have filed a use permit application requesting to convert an unfinished  
23 structure located at 1329 Lincoln Avenue into a caretaker's quarters. The existing  
24 building that is currently under construction is a single-story structure. This conversion  
25 project would include adding a second floor. Windows would be added to the second-  
26 story western elevation for light and aesthetical purposes. The first floor would contain  
27 the kitchen and living area and the second floor would have a bedroom and bathroom.  
28 With the second-story, the structure would have an approximate floor area of 1,152  
square feet.

30 Since the structure does not have legal access onto the properties that directly adjoin it,  
31 ingress and egress would be through the central courtyard and commercial building to  
32 Lincoln Avenue. This is not an uncommon situation and is typically seen in live-work  
33 situations.

34 No additional parking is proposed as a result of the new use.

## 35 **STAFF ANALYSIS**

### 36 **A. General Plan Consistency**

37 The property is located within the Downtown Commercial land use designation and the  
38 Downtown Character Area Overlay (Historic Sub-Area) as identified in the General Plan.  
39 Multi-family dwelling units are allowed uses in the Downtown Commercial land use  
40 designation, including live-work units above the first floor. The policy limiting the live-  
41 work units to above the first floor is to preserve the ground floor for commercial uses.  
42 Although this is neither a live-work or multi-family unit, the caretaker's quarters would  
43 function like a live-work unit. This caretaker's quarters would not affect the commercial  
44 presence along Lincoln Avenue since it is located in the rear yard not visible from the  
45 public right-of-way.

46 The Downtown Character Area (Historic District Sub-Area) is reserved for traditional  
47 storefronts and restored historical structures that create a vibrant downtown. The new  
48 caretaker's unit would not alter the downtown façade as viewed along Lincoln Avenue.  
49 Staff finds that the additional unit would create an attractive mixed use development  
50 consistent with the General Plan with respect to these land use policies.

### 51 **B. Zoning Code Compliance**

52 The property is located within the DC Downtown Commercial zoning district. The DC  
53 District conditionally-allows caretaker's quarters provided that parking for the exclusive  
54 use of the dwelling unit is provided per the Parking Ordinance and the commercial use  
55 is compatible with the residential use. Although parking would not be provided on-site,  
56 the Parking Ordinance allows an in-lieu payment when it is not physically possible to  
57 provide parking on the property. In this particular case, the property is landlocked and  
58 there is no feasible access to the rear portion of the lot or is there the ability to provide  
59 parking within 500 feet. As such, the payment of the parking in-lieu fee would be  
60 appropriate for the two required parking spaces at the Tier I rate.

61 The residential use is compatible with the adjoining commercial uses. The commercial  
62 use on the site is retail as well as the surrounding uses. The commercial uses would  
63 not create any foreseeable health and safety concerns for the residents. The structure is  
64 consistent with the DC District development standards since no substantial exterior  
65 modifications to the previously-approved structure would occur.

### 66 **C. Water and Wastewater Usage**

67 The owners will be required to acquire 0.124 acre-feet of water and 0.073 acre-feet of  
68 wastewater per the City's Standardized Use Table for a one-bedroom apartment, unless

69 a lesser amount is deemed appropriate by the Public Works Department. A condition of  
70 approval has been incorporated to reflect this requirement.

71 **D. Health and Safety**

72 The storage structure did not require a fire suppression system. Since this project  
73 proposes a change of occupancy, a fire suppression system would be required.  
74 Additionally, staff had some initial concern regarding the lack of egress directly from the  
75 unit to a public space. As a result, staff requested a code analysis indicating that the  
76 egress through the commercial space is allowed per the Building Code. The property  
77 owner has submitted a code analysis prepared by a licensed architect indicating that the  
78 proposed means of egress would be acceptable per the Building Code. The Building  
79 Official has reviewed the architect's analysis and has found it acceptable. As such, staff  
80 would support the project as currently designed.

81 **FINDINGS**

82 To reduce repetition, all of the appropriate findings are contained in the attached  
83 resolution.

84 **PUBLIC COMMENTS**

85 To date no written comments have been received regarding the proposed project.

86 **ENVIRONMENTAL REVIEW**

87 The proposed project is Categorical Exempt from the requirements of the California  
88 Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines  
89 (In-Fill Development Projects).

90 **RECOMMENDATION**

91 Adopt a resolution approving Use Permit UP 2017-10 with conditions.

**ATTACHMENTS**

1. Location map
2. Draft Resolution
3. Applicants written project description
4. Site Plans and elevations received July 31, 2017
5. Site photographs and photo simulations received July 31, 2017
6. Code analysis for egress from caretaker's quarters





**PROJECT SITE**  
**1329 Lincoln Avenue**

**LOCATION MAP**  
**1329 Lincoln**





**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2017-\_\_**

**APPROVING USE PERMIT UP 2017-10 ALLOWING THE CONVERSION OF AN  
UNFINISHED STORAGE BUILDING LOCATED AT 1329 LINCOLN AVENUE INTO A  
CARETAKER'S QUARTERS**

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1           **WHEREAS**, on July 31, 2017, Olof and Elizabeth Carmel, submitted a request to  
2 allow the conversion of an unfinished storage building located at 1329 Lincoln Avenue  
3 into a caretaker's quarters; and

4           **WHEREAS**, the Planning Commission considered the request at a public hearing  
5 on August 23, 2017, and prior to taking action on the application, received written and  
6 oral reports by the staff, and public testimony; and

7           **WHEREAS**, this action has been reviewed for compliance with the California  
8 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA  
9 pursuant to Section 15332 (In-Fill Development Projects) of the CEQA guidelines; and

10           **WHEREAS**, the Planning Commission pursuant to CMC Section 17.40.030(D)  
11 has made the following findings for the project:

12 1.       Finding: Is in accord with the General Plan and any applicable planned  
13 development.

14           Substantial evidence: The property is located within the Downtown Commercial  
15 land use designation and the Downtown Character Area Overlay (Historic Sub-  
16 Area) as identified in the General Plan. Multi-family dwelling units are allowed  
17 uses in the Downtown Commercial land use designation, including live-work units  
18 above the first floor. The policy limiting the live-work units to above the first floor  
19 is to preserve the ground floor for commercial uses. Although this is neither a  
20 live-work or multi-family unit, the caretaker's quarters would function like a live-  
21 work unit. This caretaker's quarters would not affect the commercial presence  
22 along Lincoln Avenue since it is located in the rear yard not visible from the  
23 public right-of-way.

24           The Downtown Character Area (Historic District Sub-Area) is reserved for  
25 traditional storefronts and restored historical structures that create a vibrant  
26 downtown. The new caretaker's unit would not alter the downtown façade as  
27 viewed along Lincoln Avenue. Staff finds that the additional unit would create an  
28 attractive mixed use development consistent with the General Plan with respect  
29 to these land use policies.

30           There is no applicable planned development.

31 2.       Finding: Is in accord with all applicable provisions of the Zoning Code.

32        Substantial evidence: The property is located within the DC Downtown  
33        Commercial zoning district. The DC District conditionally-allows caretaker's  
34        quarters. Additionally, the use is consistent with the DC District development  
35        standards and parking would be provided via the payment of an in-lieu fee or  
36        established within 500 feet of the property.

37        3.        Finding: Will not substantially impair or interfere with the development, use or  
38        enjoyment of other property in the vicinity.

39        Substantial evidence: This project would have limited impacts on the surrounding  
40        area, since the residential use would occur at the rear of the property, not visible  
41        from the Lincoln Avenue public right-of-way.

42        4.        Finding: Is consistent with and enhances Calistoga's history of independently-  
43        owned businesses, thus contributing to the uniqueness of the town, which is  
44        necessary to maintain a viable visitor industry and promote its economy.

45        Substantial evidence: The project involves the creation of a new residential unit.  
46        No negative impacts to the business community are anticipated.

47        5.        Finding: Is resident-serving, in the case of a formula business.

48        Substantial evidence: The proposed use is not considered a formula business as  
49        defined by Title 17.

50        **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
51        Commission that based on the above findings, the Planning Commission approves the  
52        subject use permit application, subject to the following conditions of approval.

53        1.        This permit authorizes the conversion of an unfinished storage building to a  
54        caretaker's quarters consistent with the plans received by the City on July 31,  
55        2017. The conditions listed below are particularly pertinent to this permit.

56        2.        This permit shall be null and void if not used within a year, or if the use is  
57        abandoned for a period of one hundred and eighty (180) days. Once the use is  
58        initiated, this permit shall be valid until it expires or is revoked pursuant to the  
59        terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.

60        3.        This use permit does not abridge or supersede the regulatory powers or permit  
61        requirements of any federal, state or local agency, special district or department  
62        which may retain regulatory or advisory function as specified by statute or  
63        ordinance. The applicant shall obtain permits and licenses as may be required  
64        from each agency.

65        4.        A building permit shall be obtained for all construction occurring on the site, not  
66        otherwise exempt by the California Building Code or any State or local  
67        amendment adopted thereto, and all fees associated with plan check and  
68        building inspections, and associated development impacts fees established by  
69        City Ordinance or Resolution shall be paid.

- 70 5. All work performed in conjunction with this approval shall be by individuals who  
71 possess a valid business license from the City.
- 72 6. Prior to building permit issuance, the owner shall obtain an additional .124 annual  
73 acre feet of water and .073 annual acre feet of wastewater at the rate in effect at  
74 the time or a lesser amount as deemed appropriate by the Department of Public  
75 Works.
- 76 7. Prior to building permit issuance, in-lieu parking fees for two spaces shall be  
77 provided at the Tier I rate subject to the review and approval of the City.
- 78 8. Prior to occupancy, the unit shall be equipped with a fire suppression system  
79 subject to the review and approval of the City.

**APPROVED AND ADOPTED** on August 23, 2017, by the following vote of the Calistoga Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Paul Coates, Chair

ATTEST: \_\_\_\_\_  
Lynn Goldberg, Secretary



Project description: Carmel Gallery rear storage building - change of use to Caretaker cabin, 1329 Lincoln Avenue

Current permitted use:

We are currently building a 24' x 24' (480 sq ft) permitted storage building in the rear of our Carmel Gallery parcel. This storage class use designation allows for having a bathroom. Exterior of the storage building (roof, stucco, windows, and colors) have previously been approved and will match the existing Carmel Gallery material and color scheme. (Calistoga building permit (B16-142)

Proposed use change:

We are proposing to convert the existing storage unit to a 1 bedroom "caretaker cabin" with kitchen. This unit will be occupied by the owners, caretaker or employees. The high ceilings in the current storage building provide adequate room to add a second floor. We will have the second floor engineered and permitted by the building dept.

Proposed exterior changes from current permit:

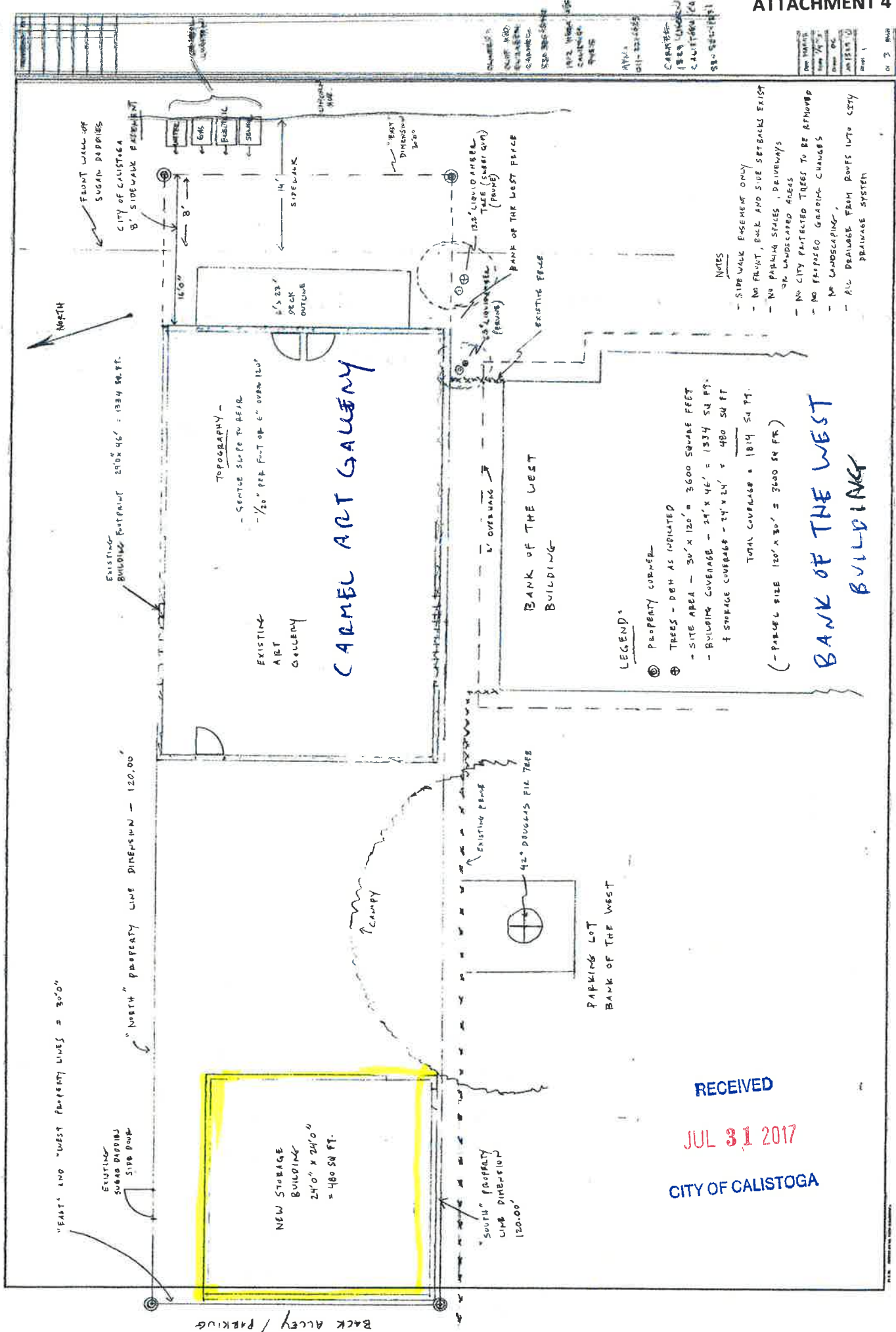
At the same time we will seek to get permitted proposed windows facing the back alley if the sprinkler / fire code allow this.

Attached are photos of a) current progress of storage building (August 1,2017) b) photo simulation of current approved design and c) photo simulation of what it would look like with windows if permitted by the building and fire dept.

RECEIVED

JUL 31 2017

CITY OF CALISTOGA



"EAST" AND "WEST" PROPERTY LINES = 30'0"

"NORTH" PROPERTY LINE DIMENSION = 120.00'

EXISTING BUILDING FOOTPRINT 25'0" x 46' = 1154 SQ. FT.

TOPOGRAPHY -  
- SLOPE 20% TO REAR  
- 1/20" PER FOOT OR 6" OVER 120'

EXISTING ART GALLERY

CARMELO ART GALLERY

NEW STORAGE BUILDING  
24'0" x 24'0"  
= 480 SQ. FT.

"SOUTH" PROPERTY LINE DIMENSION = 120.00'

EXISTING PUMP  
42" DOUGLASS PIP. TREE

PARKING LOT  
BANK OF THE WEST

BANK OF THE WEST BUILDING

LEGEND:

⊙ PROPERTY CORNER

⊕ TREES - DEM AS INDICATED

- SITE AREA - 30' x 120' = 3600 SQUARE FEET

- BUILDING COVERAGE - 24' x 46' = 1104 SQ. FT.

+ STORAGE COVERAGE - 24' x 24' = 480 SQ. FT.

TOTAL COVERAGE = 1814 SQ. FT.

(- PARKING RILE 120' x 30' = 3600 SQ. FT.)

BANK OF THE WEST BUILDING

- NOTES
- SIDEWALK EASEMENT ONLY
  - NO FRONT, BULK AND SIDE SETBACKS EXIST
  - NO PARKING SPACES, DRIVEWAYS OR UNDEVELOPED AREAS
  - NO CITY PLANTED TREES TO BE REMOVED
  - NO REPOSED GRANITE CHANGERS
  - NO LANDSCAPING
  - ALL DRAINAGE FROM ROOFS INTO CITY DRAINAGE SYSTEM

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JUL 31 2017

CITY OF CALISTOGA

DATE	1/15/10
BY	PH
PROJECT	1011110
SCALE	1" = 10'
NO.	1
TITLE	
DATE	
BY	
PROJECT	
SCALE	
NO.	
TITLE	

"EAST" AND "WEST" PROPERTY LINES = 30'0"

### SUGAR DADDIES

"NORTH" PROPERTY LINE DIMENSION - 120.00'

EXISTING SUGAR DADDIES SIDE DOOR

BACK ALLEY / PARKING

NEW STORAGE BUILDING  
24'0" X 24'0"  
= 480 SQ FT.

CANOPY

"SOUTH" PROPERTY LINE DIMENSION 120.00'

EXISTING PEMS  
42" DOUGLAS FIR TREE

PARKING LOT  
BANK OF THE WEST

- SENTI  
- 1/20" ±

EXISTING ART GALLERY

CARMEL GALLERY

EXISTING BUILDING FOOTPRINT

2' OVERHANG

BANK OF THE WEST BUILDING

LEGEND

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JUL 31 2017

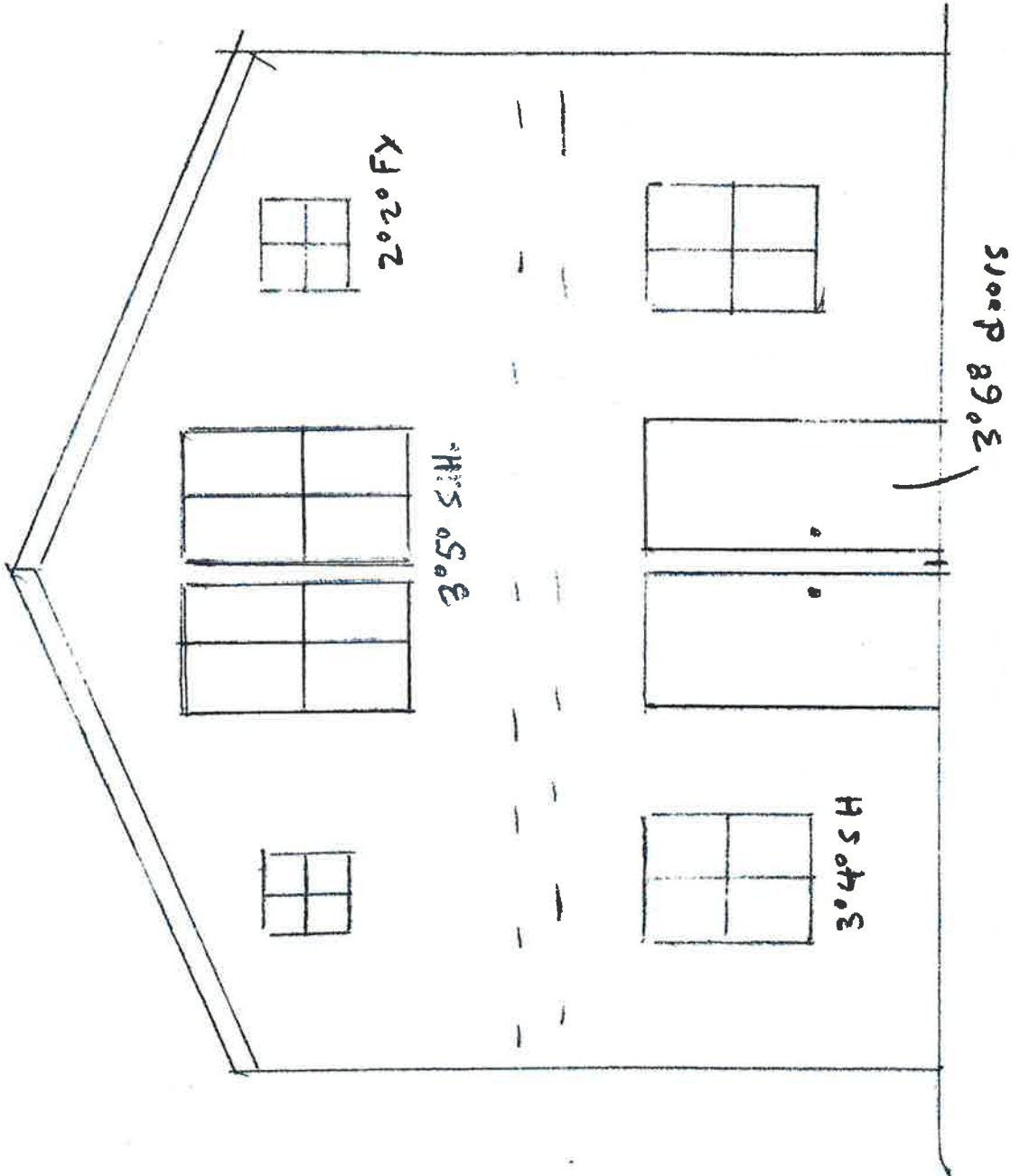
CITY OF CALISTOGA

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JUL 31 2017

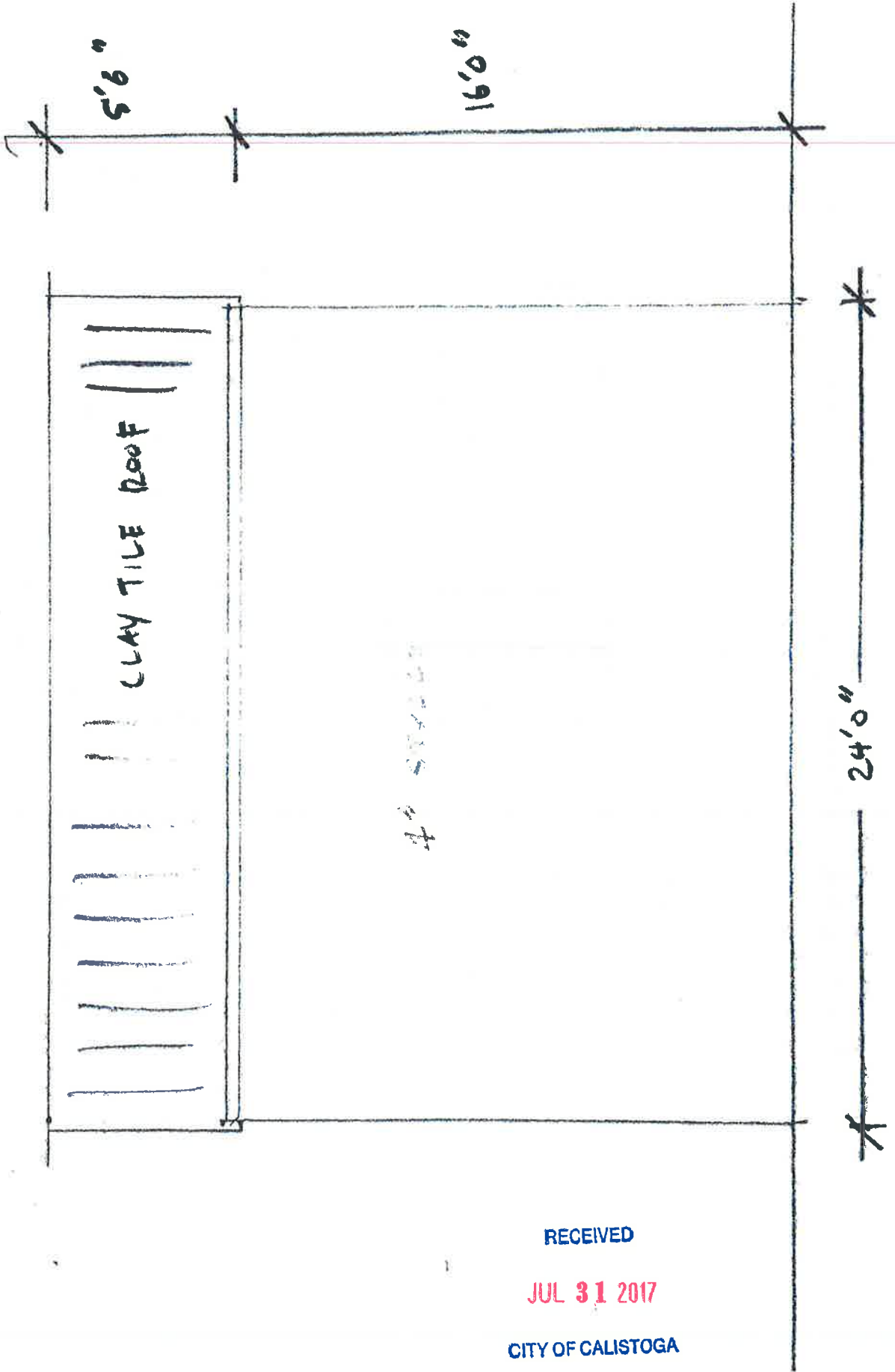
CITY OF CALISTOGA

EAST ELEVATION (COMPAUND VIEW)





NORTH & SOUTH ELEVATION - NO OPENINGS



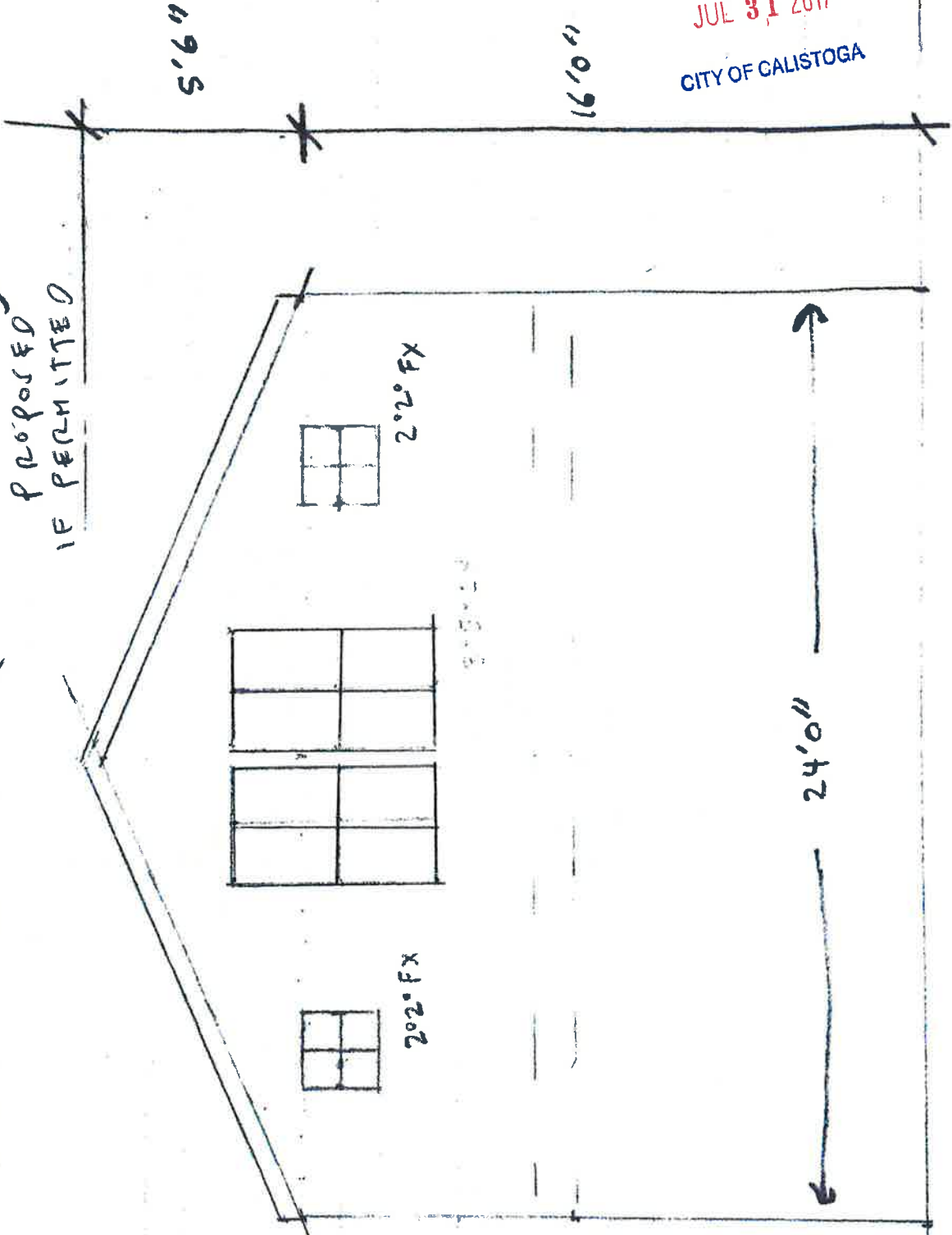
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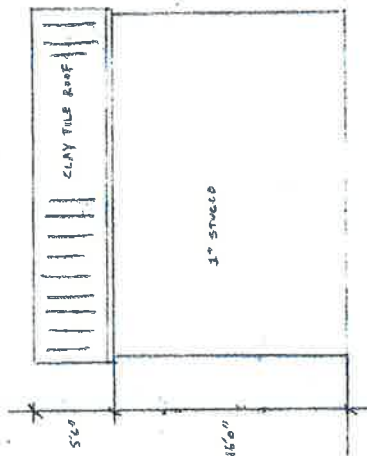
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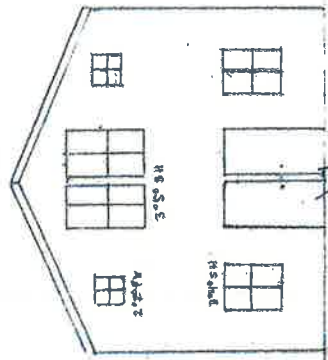
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JUL 31 2017  
CITY OF CALISTOGA

WEST ELEVATION (BACK ALLEY VIEW)  
PROPOSED  
IF PERMITTED





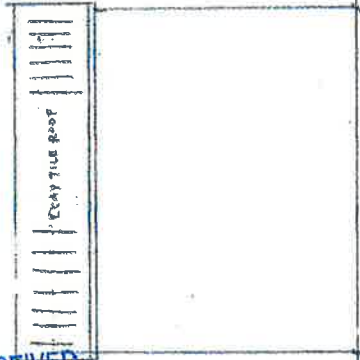
NORTH ELEVATION - SOUTH DROP SIDES STOP



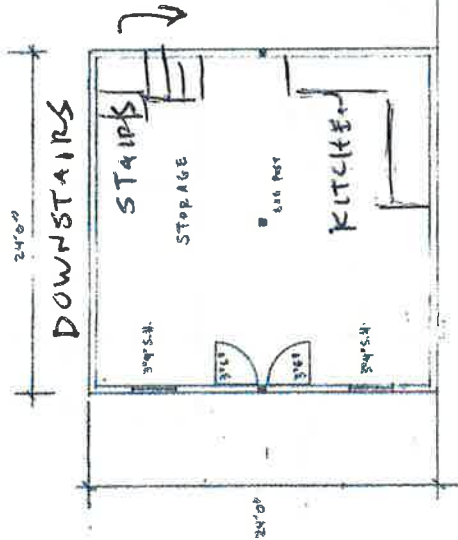
EAST ELEVATION (COURTYARD VIEW)



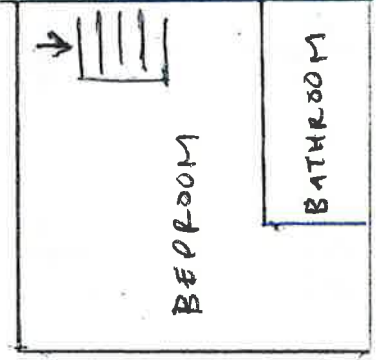
WEST ELEVATION - BACK AWAY / PARKING LOT



SOUTH ELEVATION - BACK OF THE WEST SIDE



MAIN FLOOR - 24'0" x 24'0" = 480 SF.



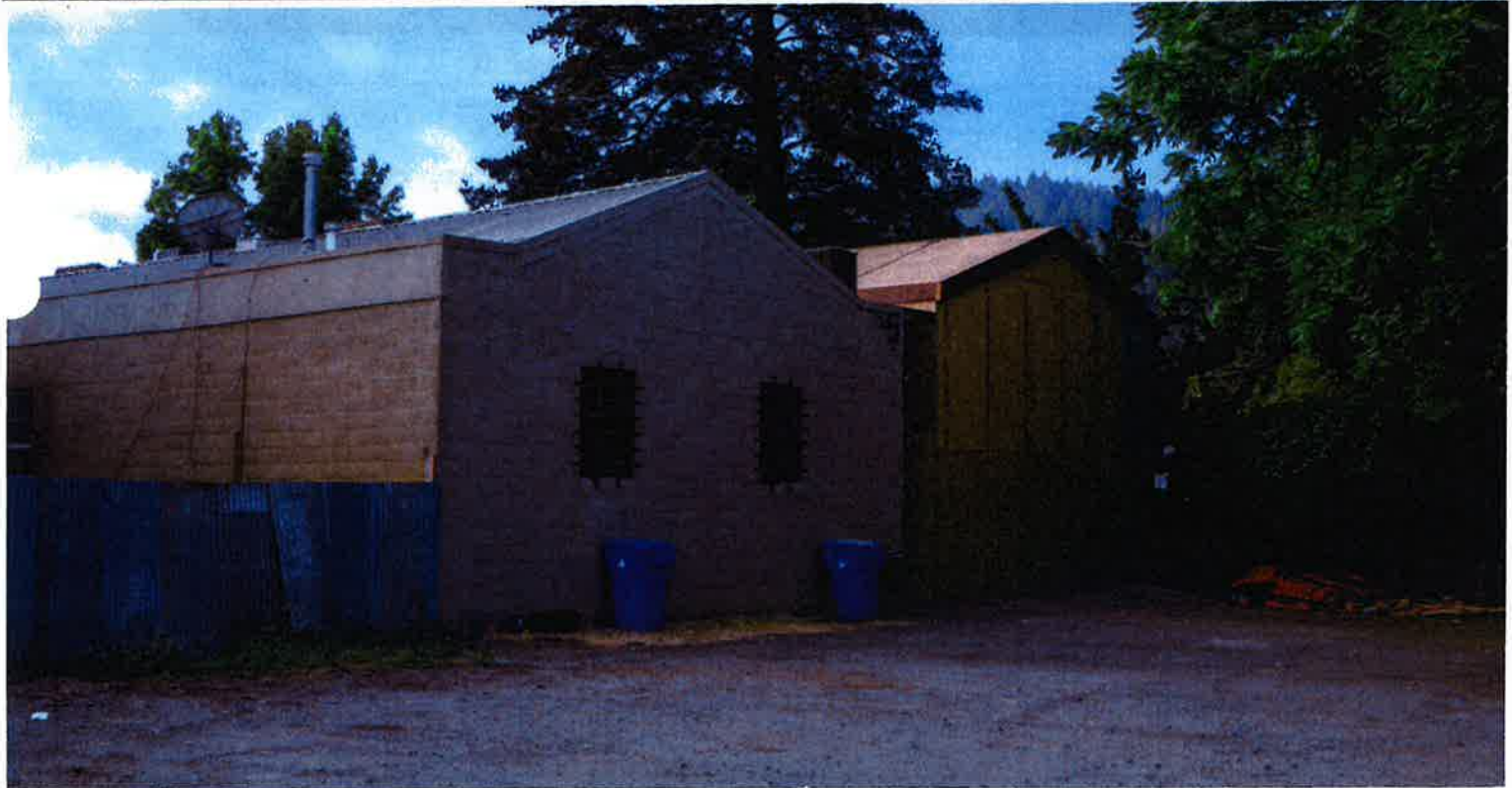
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JUL 31 2017

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CURRENT PROGRESS  
(A)

ATTACHMENT 5



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JUL 31 2017

CITY OF CALISTOGA





Proposed



CURRENT APPROVED (B)

RECEIVED

JUL 31 2017

CITY OF CALISTOGA

Carmel Gallery, 1329 Lincoln Avenue, Calistoga, California, APN: 011-221-023

**Project: Convert Rear Storage Building to a Caretaker's Cabin**

**Code Analysis for safe egress from the Caretaker's Cabin, August 7, 2017**

**General Conditions:**

Both the gallery building and the storage building are new buildings meeting requirements for modern egress, fire resistance and fire suppression throughout. The potential for future egress to a public way to the West is an unknown due to the future status of the currently vacant "alley" parcel held by neighbor Joe Seiberlich, currently being used for parking and access to the rear of parcels fronting on Lincoln Avenue. Egress to the North is blocked by the adjacent Sugar Daddy's building. On the South is the Bank of the West parcel. With future unknown development of that parcel, it is not appropriate to consider egress onto this site either. Therefore, the most appropriate solution is to egress to the East, remaining on the same parcel, to the public way of Lincoln Avenue. The existing design of the Carmel Gallery parcel accommodates this easily with the gallery building already serving as egress to Lincoln Avenue for the existing rear courtyard and the under construction storage building. The conversion of use from the S storage occupancy class to the R-3 occupancy class for the rear building and its egress needs are accommodated in the current building code, The 2016 California Building Code.

**Applicable 2016 California Building Code Sections:**

An accessible path of travel in compliance with Chapter 10, Means of Egress, shall be maintained for both the gallery building and the caretaker's building, as well as the central courtyard between them. The central courtyard is required to be an accessible path of travel with accessible transitions at doorways at both buildings.

In section 1004.5, exception 2, the R-3 caretaker's unit occupants are not added to the occupant load of the courtyard and may exit through the gallery to the public way.

*NO. IN REVISED OCCUPANT LOAD TO BE INSTALLED*

Section 1006.2.2.6 allows the Group R3 occupants of the caretaker's building to travel a horizontal distance of 125 feet through a fire sprinklered means of egress to the public way. This project complies with 46 feet of travel through the gallery building to the public way.

At the existing back (West) door of the gallery, the operating hardware will be revised to omit locking hardware, thereby allowing permanent egress for the courtyard and the caretaker's building through the gallery to the public way. Door hardware shall comply with section 1010. An illuminated exterior exit sign and emergency light with battery backup shall be installed over the exterior side of the back (West) door of the gallery building indicating to the occupants of the caretaker's building and the courtyard that this door is the way to exit to the public way. The emergency lighting shall illuminate the exterior landing. Comply with section 1008 for means of egress illumination.

Both the gallery building and the caretaker's building are equipped with fire sprinklers in compliance with section 1013.

**APPROVED**

**CALISTOGA BUILDING DEPARTMENT**

DATE 8/9/17 PLAN CHECKER AK

