

CALISTOGA PLANNING COMMISSION

STAFF REPORT

To: Calistoga Planning Commission
From: Zach Tusinger, Senior Planner
Meeting Date: January 23, 2019
Subject: **RE/MAX Gold Office Use Permit (UP 2019-2)**
2450 Foothill Boulevard, Suite K

ITEM

Consideration of a use permit application for a formula real estate office business.

PROJECT SETTING

1 The property at 2450 Foothill Boulevard (APN 011-460-005) is currently improved with a
2 single-story office/retail building. It is part of the Riverlea Square Shopping Center. The
3 building is set back from Foothill Boulevard and is largely obscured by the rest of the
4 center in front of it. The location is prominently visible from Mitzi Drive.

5 Surrounding uses include office and retail uses in the rest of the Riverlea Square
6 Shopping Center; adjacent residential uses on Mitzi Drive, Rancho de Calistoga Mobile
7 Home Park to the immediate south, and the Calistoga Towing and Arco Gas Station
8 directly across Foothill Boulevard.

PROJECT DESCRIPTION

9 The applicant desires to locate a real estate
10 office in a 465-square foot suite on the north
11 side of the Riverlea Square Center.

12 The real estate office interior would be divided
13 into two office spaces. Proposed exterior
14 improvements include the installation of
15 signage.

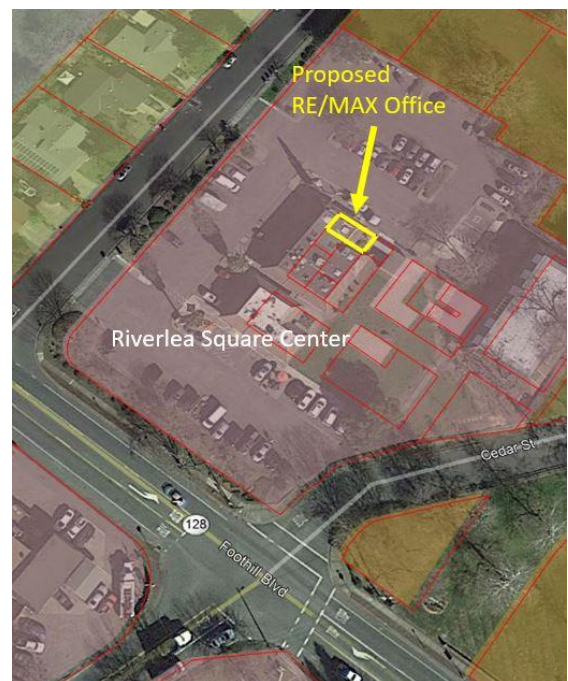
CONSISTENCY ANALYSIS

16 The project's consistency with the City's
17 applicable plans, policies and codes is
18 evaluated below.

Calistoga General Plan

- Land Use Element

19 The project site is designated by the General
20 Plan's Land Use Map as *Community*
21 *Commercial*, which is primarily intended to
22 provide commercial uses for residents. Principal uses allowed include stores, offices,
23 personal services, banks, and restaurants.
24
25



26 Land Use Element Policy P1.1.-1 generally prohibits formula businesses unless they
27 primarily meeting local residents' and business owners' needs.

28 *P1.1-1 Formula businesses within the city limits shall generally be*
29 *prohibited. Exceptions may be made for formula businesses*
30 *primarily meeting local residents' and business owners' needs.*

31 The proposed use would be consistent with the policy because it would meet local
32 residents' and business owners' real estate needs.

33 • Gateway Character Area Overlay

34 The project site is subject to the *Petrified Forest Gateway* character area overlay. The
35 sub-area's Land Use Considerations note that the range of land uses allowed by the
36 Community Commercial land use designation is appropriate for this area. While formula
37 chain businesses are generally discouraged in this area, encouraged uses are those
38 that provide needed local and commuter services.

39 The proposed office use would fall within the range of allowable land uses and provide
40 real estate services to residents and businesses, consistent with the above-described
41 General Plan provisions.

42 Zoning Code

43 Parking in the Riverlea Center is more than adequate to handle staff and customer
44 parking. The small nature of the office means it would have minimal traffic impacts.

45 The project site is zoned Community Commercial (CC). The intent of the CC Zoning
46 District, in part, is to provide for a broad range of uses that generate relatively low
47 pedestrian traffic and that predominantly provide for the day-to-day needs of residents.
48 The proposed real estate office would be consistent with this intent.

49 Professional offices are allowed as permitted uses in the CC District and do not
50 normally require a use permit. However, because the proposed office use would be a
51 component of a large, national chain, it is considered a "formula business" pursuant to
52 the following Zoning Code definition:

53 *17.04.132 Business, formula.*

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

- 57 *A. Business name common to a similar business located elsewhere;*
58 *B. Standardized services or uniforms common to a similar business*
59 *located elsewhere;*
60 *C. Interior decor common to a similar business located elsewhere;*
61 *D. Architecture, exterior design, or signs common to a similar business*
62 *located elsewhere;*
63 *E. Use of a trademark or logo common to a similar business located*
64 *elsewhere (but not including logos or trademarks used by chambers of*

65 *commerce, better business bureaus, or indicating a rating organization*
66 *including, but not limited to, AAA, Mobile or Michelin); or*

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

70 Permitted uses that are classified as formula businesses may be approved through a
71 use permit (except for formula restaurants and visitor accommodations, which are
72 completely prohibited).

73 **DISCUSSION**

74 In adopting Ordinance 519 regulating formula businesses, the City Council found it
75 necessary in 1996 to prohibit formula restaurants and visitor accommodations to
76 preserve the unique and historic character of Calistoga. However, the ordinance
77 provided for the approval of other types of formula businesses through a use permit,
78 which allows proposals to be considered on a case-by-case basis.

79 The proposed office location would have no physical presence on Foothill Boulevard, as
80 it is located towards the rear of the complex and faces Mitzi Drive. It would therefore not
81 adversely affect the overall unique character of the Petrified Forest Gateway.

82 As part of his use permit application, the applicant has requested two signs that say
83 "RE/MAX Gold" - one on the existing center identification sign adjacent to Foothill
84 Boulevard, and the other on the glass on the front façade of the tenant space. While the
85 Zoning Code does not expressly prohibit using the formula business' name in the
86 allowed signage as part of a use permit for formula businesses, the last formula
87 business granted a use permit in the city, NextHome Realty located on Lincoln Avenue
88 in the Downtown Commercial District, was conditioned to prevent it from using the name
89 NextHome on any exterior signage. A recommended condition of approval for this
90 application would prohibit exterior signage that is readable from any adjoining streets
91 from including the RE/MAX Gold name, logos, or standardized design elements.

92 One of the required findings for approval of a formula business is that it be resident-
93 serving. The proposed real estate services would serve Calistoga residents.

94 The relocation of the RE/MAX office to this location in Calistoga would not have any
95 adverse impacts on the immediate vicinity, nor the community as a whole.

ENVIRONMENTAL REVIEW

96 The use permit application is Categorically Exempt from the requirements of the
97 California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA
98 Guidelines (New Construction or Conversion of Small Structures).

99 **RECOMMENDATION**

100 Based on the information and analysis contained in this report, staff recommends that
101 the Planning Commission, after conducting a public hearing on the matter, adopt the
102 attached resolution approving Use Permit UP 2019-2.

ATTACHMENTS

1. Draft resolution
2. Vicinity Map
3. Letter from applicant dated January 4, 2019
4. Photos of past and proposed signs