

Attachment 5

CITY OF CALISTOGA PLANNING COMMISSION RESOLUTION PC 2019-12

APPROVING USE PERMIT UP 2019-11 AND DESIGN REVIEW DR 2019-6 FOR 3 ADDITIONAL GUEST UNITS, A PARKING AND SITE RECONFIGURATION, AND THE ADDITION OF FOOD & BEVERAGE SERVICE AT 1507, 1539 and 1547 LINCOLN AVENUE

WHEREAS, on June 25, 2019, the Planning and Building Department received applications from Robert Kline for LD Mud, LLC requesting a use permit and design review approval to allow for three additional guest units, a parking and site reconfiguration, and the addition of food and beverage service at the Dr. Wilkinson's Hot Springs Resort & Spa, 1507, 1539 and 1547 Lincoln Avenue; and

WHEREAS, the Planning Commission considered the request at a public hearing on August 14, 2019. Prior to taking action on the applications, the Planning Commission received written and oral reports by the staff, and received public testimony; and

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

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

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

Substantial evidence: The project is consistent with all applicable General Plan policies. The proposed uses are allowable in the Downtown Commercial Land Use Designation and the intensity of the project is appropriate. Adding three guest units to meet growing customer demands while also expanding the property's economic activity through the addition of a bar and a walkaway food venue also achieves the policy direction contained in the Economic Element of the General Plan. Furthermore, the expansion is designed to preserve Calistoga's rich and varied heritage by maintaining and expanding one of Calistoga's most iconic hot spring resorts, as well as preserving two historic properties through restoration, sensitive renovation, and adaptive reuse. The project is therefore consistent with the Downtown Character Area's goals and policies, and those of its Historic District sub-area.

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

Substantial evidence: The DC Downtown Commercial Zoning District conditionally allows visitor accommodations, wine and beer sales, and walkaway businesses. The use is consistent with all DC District development standards and would comply with the parking requirements associated with these uses through the provision of the joint utilization of spaces as demonstrated through the provided shared parking study.

3. Finding: Will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.
Substantial evidence: The existing resort property is adequate in size, shape, location, and physical characteristics to accommodate the type and intensity of proposed modifications and associated uses. No impacts to surrounding properties are anticipated due to the project's design and operational characteristics, and conditions of approval, which will ensure minimum effects associated with lighting and noise.
4. Finding: Is consistent with and enhances Calistoga's history of independently-owned businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry and promote its economy.
Substantial evidence: The project involves a unique and iconic, independently-owned business that will continue to enhance the town's visitor industry, and expands one of Calistoga's most unique downtown hot springs resorts.
5. Finding: Is resident-serving, in the case of a formula business.
Substantial evidence: The proposed use is not considered a formula business as defined by Title 17.

WHEREAS, the Planning Commission pursuant to Chapter 17.41.050 has made the following design review findings for the project:

1. Is in accord with the General Plan and any applicable planned development.
Supporting Evidence: The project is consistent with all applicable General Plan policies. The proposed uses are allowable in the Downtown Commercial Land Use Designation and the intensity of the project is appropriate. Adding three guest units to meet growing customer demands while also expanding the property's economic activity through the addition of a bar and a walkaway food venue also achieves the policy direction contained in the Economic Element of the General Plan. Furthermore, the expansion is designed to preserve Calistoga's rich and varied heritage by maintaining and expanding one of Calistoga's most iconic hot spring resorts, as well as preserving two historic properties through restoration, sensitive renovation, and adaptive reuse. The project is therefore consistent with the Downtown Character Area's goals and policies, and those of its Historic District sub-area.
2. Is in accord with all applicable provisions of the Zoning Code.
Supporting Evidence: The DC Downtown Commercial Zoning District conditionally allows visitor accommodations, wine and beer sales, and walkaway businesses. The use is consistent with all DC District development standards and would comply with the parking requirements associated with these uses through the provision of the joint utilization of spaces as demonstrated through the provided shared parking study.
3. Is consistent with any adopted design review guidelines to the extent possible.

Supporting Evidence: The project's design elements are consistent with Community Identity Element policies that encourage the use of existing materials that have traditionally been used in Calistoga. The proposed design and materials are consistent with the existing architecture on the property and in the immediate area. The project will preserve historic resources within the City.

4. Will not impair or interfere with the development, use or enjoyment of other property in the vicinity or the area.

Supporting Evidence: The architecture and scale of the of the proposed modifications are compatible with and emphasize Calistoga's unique attributes. The project enhances and compliments the City by preserving and enhancing the building styles and exterior finishes of the property's existing buildings and their diverse architecture styles. The designs are compatible and complimentary to what is already in existence. Adequate parking is provided, lighting will be directed downward and shielded from adjacent properties. No noise or traffic impacts are expected from the project.

THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings, the Planning Commission approves the subject use permit and design review applications, subject to the attached conditions of approval (Exhibit A).

ADOPTED on August 14, 2019 by the following vote of the Calistoga Planning Commission:

AYES: Coates, Wilkes, Cooper, Abernathy
NOES: None
ABSENT: McNair
ABSTAIN: None


Paul Coates, Chair


ATTEST: 
Lynn Goldberg, Secretary

Exhibit A

Conditions of Approval for Use Permit UP 2019-11 and Design Review DR 2019-06:

General

1. The improvements and uses hereby permitted shall substantially conform to the plans received as part of applications UP 2019-11 and DR 2019-06, by the Planning and Building Department, except as noted in the permit conditions.
2. Minor modifications to the project design that do not generate environmental impacts may be approved in writing by the Planning and Building Director.
3. This approval shall be null and void if not used within a year, unless an extension and/or building permit has been issued for the project prior to the expiration date.
4. This approval does not abridge or supersede the regulatory powers or permit requirements of any federal, state or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. Permits shall be obtained as may be required from each authority.

Planning Department

5. Prior to the installation of any landscaping, a final landscape plan prepared in accordance with the State Water Efficient Landscape Ordinance shall be submitted for City approval. Landscaping and irrigation shall be installed prior to project occupancy, maintained throughout the life of the project, and replaced as necessary.
6. Exterior modifications to the structure known as "1539 Lincoln" are only approved conceptually. Final design shall be subject to administrative approval after a Current Conditions Assessment and Standards Review Report has been prepared by a qualified architectural historian. The final design shall also be reviewed and approved by the architectural historian.
7. A lot merger will be required prior to the issuance of building permits.
8. Final lighting design will be reviewed at building permit submittal.

Public Works Department

9. The water and sewer allocation study Summit prepared on June 25, 2019 shows matches existing City baseline of 6,783 units of water available annually and existing use is well under this and proposed use will be well under this available baseline. No additional water or wastewater fees are anticipated.
10. Provide sub-centimeter survey grade accuracy locations on any off-site utilities installed by the project for City utility GIS system (location, size, materials, date installed shall be provided to City in digital formats). Supply digital format in GIS and CAD formats (microstation or AutoCAD format). Provide as-built pdfs (hard copy and digital) to Public Works Department (prior to occupancy).

11. Obtain an encroachment permit for all work within (or use of) the public right-of-way, including parking. Additionally, obtain an encroachment permit and/or utility access agreements/easements from Caltrans for all work within (or use of) the Caltrans right-of-way.
12. A tree preservation and removal plan is required. A tree removal permit is required for any non-exempt trees to be removed. Prune trees along the project frontage to provide a 7-foot minimum clearance over the sidewalk.
13. All new utilities within the site, except for backflow preventers and transformers, shall be placed underground.

Street Improvements

14. Replace damaged curb, gutter, sidewalk, driveway and ramps along the project's frontage, improved to current ADA standards. The City will share the sidewalk construction cost only 50/50. Any asphalt concrete replacement for utilities shall conform to City of Santa Rosa Standard 215. Use the City of Santa Rosa Standards, and applicable notes and reference standards.
15. Obtain an encroachment permit for all work within (or use of) the public right-of-way, including parking. Applications can be found online at www.ci.calistoga.ca.us under Download Documents and submitted at City Hall (1232 Washington Street).

Water

16. Water laterals meter and backflow device shall be per Santa Rosa Standard 874. Replacement water meters shall be radio-read Badger meter(s) and called out as such on plans. All trench cuts within public paved roads shall be replaced per Santa Rosa Standard 215.

Sanitary Sewer Improvements

17. If the project proposes an increase in sewer flow to Fair Way, then the following condition applies: The existing 8" pipe in Fair Way does not have sufficient capacity to carry peak flow. Either slip line or pipe burst between 1st and Lincoln Avenue. In lieu of upsizing the force main, applicant may monitor the flow in the existing sewer main and prepare a sewer analysis study to establish any additional peak flow capacity. The manhole at 1st Street and Fair Way shall be replaced. If the project is necessary, the City will cost share 30% of the construction cost of improvements beyond the project frontage.
18. Provide evidence to the City that the sewer lateral is structurally-sound and correctly sloped. This can be done by videoing the sewer lateral with a Public Works employee present and providing the City with a copy of the video.
19. Provide oil/grease traps for cafe.
20. Provide testing of mud used for spa and onsite geothermal well water to determine concentrations of antimony. Mitigate as necessary to meet City cease and desist order requirements to be below effluent limits.

21. Confirm sizing of mud separator and replace; if necessary, include in maintenance agreement
22. All trench cuts within public paved roads shall be replaced per Santa Rosa Standard 215.

Drainage Improvements

23. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any other applicable City standards. Off-site grading and drainage improvements shall be design per Caltrans Standards and shown on the improvement plans.
24. A final drainage study and stormwater control report (per BASMAA standards) is required prior to improvement plans approval.
25. Post-development peak stormwater flows must be equal or less than existing conditions (per CMC 19.08 and 16.16, and Santa Rosa Standards) for the 100-yr, 24-hour event - design retention/detention for mitigation.
26. Provide an erosion control plan. If proposed disturbance is over one acre, submit stormwater pollution prevention plan (SWPPP).
27. Prior to occupancy, owner shall sign a maintenance agreement for any stormwater quality/detention devices.
28. Protect abutting and off-site properties that may be adversely affected by any increase in runoff attributed to the development. Minimize additional impervious surfaces and provide appropriate mitigation if necessary. (CMC 16.16.040).

Geothermal

29. Work with City to install geothermal well head meters for billing of discharge to begin in October 2019.
30. Abandon geothermal well head in parking lot or provide documentation that this well was previously permitted and abandoned already.
31. On-Site Wells: Contact the California Department of Conservation and Napa County of any on-site geothermal and/or cold-water wells that are located on the project site for permitting requirements. Obtain a permit for any new wells through the City, County and State.