

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2020-XX**

**APPROVING USE PERMIT UP 2020-4, DESIGN REVIEW DR 2020-3, AND  
VARIANCE VA 2020-2 FOR THE BRANNAN CENTER AT 1407 3RD STREET**

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1           **WHEREAS**, on May 8, 2020, the Planning and Building Department received  
2 applications from the Brannan Center requesting a use permit, design review, and  
3 variance approval to allow for a remodel, restoration, and expansion of the Community  
4 Presbyterian Church structure, and to allow a community center/performing arts  
5 center/office use at the same location, 1407 3rd Street; and

6           **WHEREAS**, the Planning Commission considered the request at a public hearing  
7 on July 22, 2020. Prior to taking action on the applications, the Planning Commission  
8 received written and oral reports by the staff, and received public testimony; and

9           **WHEREAS**, this action has been reviewed for compliance with the California  
10 Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA  
11 pursuant to Section 15301, 15303, and 15305 of the CEQA; and

12           **WHEREAS**, the Planning Commission pursuant to CMC Section 17.03.090(B)  
13 has made the following findings for a similar use determination:

- 14 1.     Finding: That the use is in keeping with the stated intent and purpose of the  
15 zoning district.

16           Substantial evidence: The intent of the R-3 Multifamily/Office District is to  
17 increase the diversity and affordability of housing stock in Calistoga by providing  
18 housing close to downtown services and to provide convenient access to  
19 professional office uses for residents and businesses, while ensuring that care is  
20 taken to preserve the character of existing neighborhoods. The community center  
21 and performing arts center use provides for community office space located in a  
22 conveniently accessed location for the community, and is similar in nature and  
23 use to a religious facility or school which would promote and preserve the  
24 character of the neighborhood.

- 25 2.     Finding: That investigations have disclosed that the subject use and its operation  
26 are compatible with the uses permitted in the zoning district within which it is  
27 proposed to be located.

28           Substantial evidence: Evidence provided by the applicant shows that the  
29 Brannan Center uses are similar in nature to schools or religious institutions, both  
30 uses which are permitted in this district via a use permit. Performances, meeting  
31 spaces, presentations, and community events are all similar in nature to those  
32 listed uses.

- 33 3.     Finding: That the subject use is similar to one or more uses permitted in the  
34 zoning district within which it is proposed to be located.

35           Substantial evidence: Evidence provided by the applicant and detailed in the staff  
36 report shows that the Brannan Center uses are similar in nature to schools or  
37 religious institutions, both uses which are permitted in this district via a use  
38 permit. Performances, meeting spaces, and community events are all similar in  
39 nature to those listed uses.

40 4.   Finding: That the subject use will not cause substantial injury to the health,  
41 safety, or welfare of the occupants or their property in the zoning district in which  
42 it is proposed to be located.

43           Substantial evidence: As conditioned and limited in terms of the number of  
44 events, frequency of events, hours of events, and restrictions on noise and  
45 amplified music, the subject uses will not cause substantial injury to health,  
46 safety, or welfare of occupants of neighboring property in the subject zoning  
47 district.

48           **WHEREAS**, the Planning Commission pursuant to CMC Section 17.40.030(D)  
49 has made the following findings for the project's use permit:

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

52           Substantial evidence: The project is consistent with the policies included in the  
53 General Plan. The property is within the High Density Residential/Office land use  
54 designation, which allows religious facilities and similar uses. The General Plan's  
55 Community Identity Element calls for maintaining the urban design quality of  
56 existing neighborhoods, a to conserve Calistoga's historic, architectural, and  
57 cultural resources. Additionally, the General Plan recommends supporting and  
58 enhancing local cultural institutions that reinforce Calistoga's community identity  
59 and cultural heritage. Adding a community center and performing arts center use  
60 at this location in a historic building would help to preserve Calistoga's rich and  
61 varied heritage and would similarly promote and enhance local cultural  
62 institutions.

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

64           Substantial evidence: The property is located within R-3: Multi-Family  
65 Residential/Office zoning district. R-3 District conditionally allows religious  
66 institutions, offices, and schools. With a similar use determination, the proposed  
67 uses of the Brannan Center are consistent with the R-3 District development  
68 standards and would comply with the parking requirements associated with this  
69 use.

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

72           Substantial evidence: As conditioned and limited in terms of the number of  
73 events, frequency of events, hours of events, restrictions on noise and amplified

74 music, the subject uses will not impair or interfere with the development, use or  
75 enjoyment of other property in the vicinity.

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

79 Substantial evidence: The Brannan Center is an independent non-profit.  
80 Otherwise this finding is not applicable.

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

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

84 **WHEREAS**, the Planning Commission pursuant to Chapter 17.41.050 has made  
85 the following findings for the project's design review:

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

87 Supporting Evidence:

88 The project is consistent with the policies included in the General Plan. The  
89 property is within the High Density Residential/Office land use designation, which  
90 allows religious facilities and similar uses. The General Plan's Community  
91 Identity Element calls for maintaining the urban design quality of existing  
92 neighborhoods, a to conserve Calistoga's historic, architectural, and cultural  
93 resources. Additionally, the General Plan recommends supporting and enhancing  
94 local cultural institutions that reinforce Calistoga's community identity and cultural  
95 heritage. Adding a community center and performing arts center use at this  
96 location in a historic building would help to preserve Calistoga's rich and varied  
97 heritage and would similarly promote and enhance local cultural institutions.

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

99 Supporting Evidence: The property is located within R-3: Multi-Family  
100 Residential/Office zoning district. R-3 District conditionally allows religious  
101 institutions, offices, and schools. With a similar use determination, the proposed  
102 uses of the Brannan Center are consistent with the R-3 District development  
103 standards and would comply with the parking requirements associated with this  
104 use.

105 3. Is consistent with any adopted design review guidelines to the extent possible.

106 Supporting Evidence: The project's design elements are consistent with  
107 Community Identity Element policies that encourage the use of existing materials  
108 that have traditionally been used in Calistoga. The proposed design and  
109 materials are consistent with the materials traditionally used in this area of  
110 Calistoga.

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

113           Supporting Evidence: As designed, and as conditioned and limited in terms of  
114           the number of events, frequency of events, hours of events, restrictions on noise  
115           and amplified music, the subject use and design will not impair or interfere with  
116           the development, use or enjoyment of other property in the vicinity.

117           **WHEREAS**, the Planning Commission pursuant to Chapter 17.42.020 has made  
118           the following findings for the project's variance:

119           1. Finding: Conditions apply to the property that do not apply generally to other  
120           properties in the same zone or vicinity, which conditions are a result of lot size or  
121           shape, topography, or other circumstances over which the applicant has no  
122           control.

123           Supporting Evidence: The property is a unique configuration in that as a corner  
124           lot, the streets intersecting to form the corner are at an acute rather than 90  
125           degree angle, thus further limiting the way that the property can usably be  
126           configured. The property is also encumbered by the position and elevation of the  
127           existing church on the property.

128           2. Finding: The variance is necessary for the preservation of a property right of the  
129           applicant substantially the same as is possessed by owners of other property in  
130           the same zone or vicinity.

131           Supporting Evidence: Similar properties where an expansion is contemplated to  
132           match the existing floor level of a building generally would not have difficulty with  
133           an expansion of an outdoor space of this size. However, due to the unique  
134           configuration of this property, the variance is needed here to maintain that same  
135           property right.

136           3. Finding: The authorization of the variance will not be materially detrimental to the  
137           purposes of this Title, be injurious to property in the zone or vicinity in which the  
138           property is located, or otherwise conflict with the objectives of City development  
139           plans or policies.

140           Supporting Evidence: The proposed extra foot in height is not immediately  
141           adjacent to any residences or other properties and will not be adverse to any  
142           nearby properties. The terrace wall for which the variance is requested is outside  
143           the vision triangle.

144           4. Finding: The variance requested is the minimum variance which will alleviate the  
145           hardship.

146           Supporting Evidence: The proposed increase in height of the wall is necessitated  
147           by the height of the terrace. The terrace height is tied directly to the floor level of  
148           the existing church sanctuary.

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

153           **ADOPTED** on July 22, 2020 by the following vote of the Calistoga Planning  
154 Commission:

155  
156 **AYES:**

157 **NOES:**

158 **ABSENT:**

159 **ABSTAIN:**

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\_\_\_\_\_  
\_\_\_\_\_, Acting Chair

**ATTEST:** \_\_\_\_\_  
Claudia Aceves, Secretary

## Exhibit A

**Conditions of Approval** for Use Permit application UP 2020-4, Design Review application DR 2020-3, and Variance application VA 2020-2:

### **General**

1. The improvements and uses hereby permitted shall substantially conform to the plans received as part of applications UP 2020-4, DR 2020-3, and VA 2020-2 by the Planning and Building Department, except as noted in the permit conditions.
2. Development and use of the property shall conform to all required conditions established herein. If the conditions to the granting of this use permit have not been or are not complied with, or the use which is established by this permit have become detrimental to the public health, safety or general welfare, the Planning Commission may consider an amendment to these conditions or possible revocation of this permit to protect the public health, safety and general welfare of the community, as set forth in the City's Zoning Ordinance. The Planning and Building Department may approve minor amendments to this conditional use permit and design review provided that the amendment is still in substantial conformance with the original approval.
3. Minor modifications to the project design that do not generate environmental impacts may be approved in writing by the Planning and Building Director.
4. 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.
5. 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 & Building Department**

6. 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.
7. All permanent exterior lighting shall be directed and/or shielded so as not to shine or create glare on any adjacent property in accordance with the standards contained in Section 17.36 of the Calistoga Municipal Code and the Title 24 Part 6 2007 California Energy Code which limits light and glare, subject to the review and approval of the Planning and Building Department. Free-standing light standards shall be no more than 15 feet in height.
8. The proposed permanent commercial catering use is specifically not permitted. While the commercial kitchen is allowed as planned and while it may be used by a commercial caterer for the service and support of functions at the Brannan Center only, the kitchen may not be used in support of events off the subject property.

## Exhibit A

9. The commercial kitchen shall require approval by Napa County Environmental Health. The design of the kitchen shall be subject to further review at time of building permit application submittal.
10. An electric vehicle charging station may be required for this project. Final determination of code requirements shall be made at time of building permit submittal.
11. Limitations on Events:
  - a. No outdoor amplified music shall be allowed without first procuring a special event permit and providing notice to neighbors.
  - b. All events must comply with the Calistoga Noise Ordinance (CMC 8.20.020). Repeated violations of the noise ordinance may result in the revocation or modification of this use permit.
  - c. No outdoor events may be scheduled to begin before 8 a.m. and no set up of outdoor events is allowed to commence before 7 a.m. All outdoor events must conclude by 9 p.m., with any associated takedown to be completed by 10 p.m.
  - d. All indoor events and uses must conclude by 10 p.m.
  - e. No outdoor events are to be held anywhere on the property other than the new terrace or the basement courtyard.
  - f. No more than eight 100+ person (large) events may be held per month, with a maximum of three 100+ events being held in any particular week.
  - g. No more than four 50-100 person (mid-size) events may be held per week. No more than one additional 50-100 person event may be held per week in lieu of any allocated 100+ person events.
  - h. The Brannan Center shall maintain a calendar on its website that lists all monthly events and includes information on expected size, hours, and locations on the property of said events.
  - i. The Brannan Center shall maintain contact information accessible on its website, including a phone number of a responsible party who may be reached leading up to and during any large events or events to be held on the Terrace.
12. Impact fees for any added square footage shall be paid at or prior to Building Permit issuance.
13. Prior to the commencement of the approved use, the Brannan Center shall provide satisfactory documentation to the City of the shared parking agreement with the Calistoga Joint Unified School District.
14. The Brannan Center shall make known to the attendees of events the locations of off-site parking, particularly the 27 spaces available at the elementary school.
15. Examples of large or mid-size events that are specifically allowed as part of this use permit include musical performances, plays, speaking engagements, school

## Exhibit A

performances, weddings, quinceaneras, private family or organizational gatherings, and civic events, all subject to the other conditions of approval found attached to this resolution.

16. Community groups, meetings, classes, and events are specifically allowed as part of this use permit, providing they do not conflict with any other conditions of approval. Examples include: ESL or citizenship classes, AA meetings, Boy Scouts, Girl Scouts, Future Farmers, yoga or dance classes, book clubs, Rotary, retreats, food pantries, conferences, Sunday church services, etc.
17. The office use is restricted to the portions of the building detailed in the project description submitted as part of this application.
18. The fence along the rear and interior property lines shall be 8 feet tall (20 feet back from the street property lines, per the CMC) and consist of overlapping boards to minimize light and noise intrusion.
19. The windows of the mezzanine (adjacent to the rear property lines of the homes along 4<sup>th</sup> Street) and the windows of the sanctuary shall incorporate sound reduction methods.

### **Public Works Department**

#### 20. Trees

- a. Provide a tree preservation plan that complies with CMC Chapter 19.01.
- b. Mitigate any subject tree removal with a 3:1 replacement.
- c. A tree removal permit is required for any subject trees to be removed.
- d. Prune trees along the project frontage to provide a 7-foot minimum clearance over the sidewalk.

21. A survey-grade mapping is required for site improvements. The Civil Improvement Plans shall be prepared and stamped by a California Registered Civil Engineer.

22. Submit a water and sewer allocation study comparing project with existing baseline. Purchase additional allocation(s) of water and/or wastewater as necessary.

#### 23. Sanitary Sewer

- a. Provide evidence to the City that the sewer laterals are 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.
- b. Provide oil/grease interceptors for kitchen sewage.
- c. Provide mat washing stations.

#### 24. Water

- a. Water laterals meter and backflow device shall be per Santa Rosa Standard 874.



## Exhibit A

- b. If fire sprinklers are required, possible upsizing of the water lateral and meter may be required along with the fire sprinkler hydraulic analysis. The new combination water service connection shall follow City of Santa Rosa Standard 870 and include three-way valving at the existing main point of connection.
  - c. All new water meters shall be radio-read Badger meter(s) and called out as such on plans.
25. Stormwater
- a. Post-development peak stormwater flows must be equal or less than existing conditions (per CMC 19.08 and 16.16, and Santa Rosa Standards).
  - b. 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).
  - c. The design shall follow all applicable provisions of BASMAA Post Construction Manual.
  - d. Provide a hydrology and hydraulic report to adequately size storm drain facilities.
  - e. Provide an Erosion and Sediment Control Plan.
  - f. Follow all current local, regional, state, and/or federal storm water requirements related to quantity & quality.
  - g. Disconnect any downspouts from any underground piping and use surface as absorption to meet the City's MS4 permit.
26. Streets and Sidewalks
- a. Replace damaged curb, gutter, sidewalk, driveway and ramps along the project's frontage, improve sidewalk at driveways to current ADA standards.
  - b. Dedicate additional right-of-way on the south east corner of the property to allow for the sidewalk to be constructed within the public right-of-way.
  - c. Sidewalk improvements shall be designed per City of Santa Rosa standards with concrete surfacing.
  - d. Provide ADA-compliant ramps at the adjacent intersections.
  - e. Improve existing driveways to commercial driveway standards per Santa Rosa Standards.
  - f. Any sidewalk drains shall be designed per Santa Rosa standard 406B.
27. Obtain an encroachment permit for all work within (or use of) the public right-of-way.

Exhibit A

28. All off-site improvements shall be designed and constructed per applicable City of Santa Rosa standards and notes.

DRAFT