

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

APPROVING DESIGN REVIEW DR 2020-8 AND USE PERMIT UP 2020-9 ALLOWING THE CONVERSION OF AN OFF-STREET PARKING LOT AT AN EXISTING RESTAURANT AND HOTEL PROPERTY LOCATED AT 1457 LINCOLN AVENUE TO BE CONVERTED TO PATIO SPACE

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2 **WHEREAS**, August 28, 2020, Michael Woods on behalf of the Mount View Hotel
3 submitted a request for a design review and use permit in order to permanently convert
4 the existing off-street parking lot into outdoor patio space for an existing hotel &
5 restaurant located at 1457 Lincoln Avenue; and

6 **WHEREAS**, due to COVID-19, the parking lot was temporarily converted to
7 outdoor patio space as part of the City’s Temporary Support and Recovery Program for
8 businesses; and

9 **WHEREAS**, the Planning Commission considered this request at its regular
10 meeting of October 28, 2020. Prior to taking action on the application, the Planning
11 Commission received written and oral reports by the staff, and received public
12 testimony; and

13 **WHEREAS**, this action has been reviewed for compliance with the California
14 Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA
15 pursuant to 15303 of the CEQA Guidelines; and

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

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

19 Supporting Evidence: The proposed development is consistent with the goals
20 and policies of the Calistoga General Plan in that it represents an allowable use
21 in an existing commercial space in a strategic location in the downtown. An
22 outdoor patio at this location complements the existing businesses and street
23 front in this area.

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

25 Supporting Evidence: The DC: Downtown Commercial Zoning District
26 conditionally allows outdoor dining in conjunction with established businesses.
27 The use is consistent with all DC District development standards and would
28 comply with the parking requirements associated with the use as the existing
29 parking spaces are required to be relocated. The project is in compliance with all
30 other development standards for the Zoning District

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

32 Supporting Evidence: The project’s design elements are consistent with
33 Community Identity Element policies that encourage the use of existing materials
34 that have traditionally been used in Calistoga and the improvement of the

35 appearance of existing commercial buildings. The proposed design and materials
36 improvements are consistent with the existing architecture in the immediate area.

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

39 Supporting Evidence: The architecture and scale of the of the proposed
40 modifications are compatible with and emphasize Calistoga's unique attributes.
41 Adequate parking is being provided, lighting will be directed downward and
42 shielded from adjacent properties. No significant noise or traffic impacts are
43 expected from the project.

44 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.030.D has
45 made the following use permit findings for the project:

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

48 Supporting Evidence: The proposed development is consistent with the goals
49 and policies of the Calistoga General Plan in that it represents an allowable use
50 in an existing commercial space in a strategic location in the downtown. An
51 outdoor patio at this location complements the existing businesses and street
52 front in this area.

- 53 2. Finding: Is in accord with all provisions of this title.

54 Supporting Evidence: The DC: Downtown Commercial Zoning District
55 conditionally allows outdoor dining in conjunction with established businesses.
56 The use is consistent with all DC District development standards and would
57 comply with the parking requirements associated with the use as the existing
58 parking spaces are required to be relocated. The project is in compliance with all
59 other development standards for the Zoning District

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

62 Supporting Evidence: The architecture and scale of the of the proposed
63 modifications are compatible with and emphasize Calistoga's unique attributes.
64 Adequate parking is being provided, lighting will be directed downward and
65 shielded from adjacent properties. No significant noise or traffic impacts are
66 expected from the project.

- 67 4. Finding: Is consistent with and will enhance Calistoga's history of independent,
68 unique, and single location businesses, thus contributing to the uniqueness of the
69 town, which is necessary to maintain a viable visitor industry in Calistoga and to
70 preserve its economy.

71 Supporting Evidence: The conversion of a surface parking lot to vibrant hotel &
72 restaurant patio space in the downtown would be consistent with Calistoga's
73 sense of independent and unique single-location businesses. These locally

74 owned-businesses would be strengthened, the vibrancy of downtown improved,
75 and would continue to enhance the experience of residents and visitors to the
76 city and make a meaningful contribution to the City's fiscal vitality.

77 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
78 Commission that based on the above findings, the Planning Commission approves the
79 proposed use, subject to the following conditions of approval:

- 80 1. The use and design hereby permitted shall substantially conform to the project
81 descriptions and supporting plans received September 16, 2020 by the Planning
82 and Building Department, except as noted in the permit conditions. This use permit
83 allows outdoor dining in conjunction with the established restaurant and hotel.
- 84 2. Any further expansion or change of use shall require an amendment subject to
85 use permit review as determined by the Planning and Building Department. Minor
86 modifications may be approved in writing by the Planning and Building Director.
- 87 3. No signage is specifically approved as a result of this approval. All signage shall
88 separately be subject to the approval of the Planning and Building Director and
89 shall be in accordance with the CMC.
- 90 4. This project is subject to impact fees for the expanded restaurant patio space.
91 The impact fees shall be paid as follows: as each COVID-19 indoor relaxation
92 occurs, a proportionate amount of the fees due shall be paid within 30 days (for
93 example, at 25% allowed indoor seating capacity, 25% of the impact fees due
94 shall be paid within 30 days).
- 95 5. The thirteen lost parking spaces shall be formally replaced at an offsite location
96 within 500 feet within 30 days of the final relaxation of all COVID-19 measures.
97 Final configuration of the replacement off-site parking shall be subject to review
98 by the Planning & Building Director. The thirteen spaces shall be reserved for
99 restaurant and hotel use and marked by appropriate signage. If at some point in
100 the future the thirteen replacement spaces are lost, in-lieu fees shall be paid, or
101 the patio shall be converted back to parking within 90 days.
- 102 6. Any minor modifications to the project shall be subject to the review and approval
103 of the Planning & Building Director.
- 104 7. This permit shall be null and void if not used within a year, or if the use is
105 abandoned for a period of one hundred and eighty (180) days. Once the use is
106 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
107 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 108 8. This use permit does not abridge or supersede the regulatory powers or permit
109 requirements of any federal, state or local agency, special district or department
110 which may retain regulatory or advisory function as specified by statute or
111 ordinance. The applicant shall obtain permits as may be required from each
112 agency.

- 113 9. A building permit shall be obtained for any construction occurring on the site not
114 otherwise exempt by the California Building Code or any state or local
115 amendment adopted thereto, and all fees associated with plan check and
116 building inspections, and associated development impact fees established by
117 City Ordinance or Resolution shall be paid.
- 118 10. Prior to operation, an inspection shall be conducted by the Fire Department to
119 ensure compliance with health and safety regulations including the installation of
120 fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally
121 if necessary, the occupancy limit of the space shall be reviewed and approved by
122 the Building Official and/or Fire Chief and shall be posted in a conspicuous place
123 for the life of the use.
- 124 11. All exterior lighting on the property shall be directed downward and shall
125 otherwise be 'Dark Sky' compliant.
- 126 12. All conditions related to previous entitlements or permits for this property shall
127 remain in effect unless specifically amended herein.

ADOPTED on October 28, 2020 by the following vote of the Calistoga Planning
Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Paul Coates, Chair

ATTEST: _____
Claudia Aceves, Secretary