

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2021-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

1
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, and voted to continue this item; and

11 **WHEREAS**, a modified application was submitted to the Planning & Building
12 Department in July 2021; and

13 **WHEREAS**, the Planning Commission considered this request again, with
14 modifications, at its regular meeting on August 11, 2021. Prior to taking action on the
15 application, the Planning Commission received written and oral reports by the staff, and
16 received public testimony; and

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

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

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

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

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

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

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

36 Supporting Evidence: The project's design elements are consistent with
37 Community Identity Element policies that encourage the use of existing materials
38 that have traditionally been used in Calistoga and the improvement of the
39 appearance of existing commercial buildings. The proposed design and materials
40 improvements are consistent with the existing architecture in the immediate area.

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

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

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

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

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

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

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

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

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

71 4. Finding: Is consistent with and will enhance Calistoga's history of independent,
72 unique, and single location businesses, thus contributing to the uniqueness of the

73 town, which is necessary to maintain a viable visitor industry in Calistoga and to
74 preserve its economy.

75 Supporting Evidence: The conversion of a surface parking lot to vibrant hotel &
76 restaurant patio space in the downtown would be consistent with Calistoga's
77 sense of independent and unique single-location businesses. These locally
78 owned-businesses would be strengthened, the vibrancy of downtown improved,
79 and would continue to enhance the experience of residents and visitors to the
80 city and make a meaningful contribution to the City's fiscal vitality.

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

- 84 1. The use and design hereby permitted shall substantially conform to the project
85 descriptions and supporting plans received in July 2021 by the Planning and
86 Building Department, except as noted in the permit conditions. This use permit
87 allows outdoor dining in conjunction with the established restaurant and hotel, as
88 well as an outdoor dinner & a movie use for hotel guests in conjunction with the
89 hotel.
- 90 2. Any further expansion or change of use shall require an amendment subject to
91 use permit review as determined by the Planning and Building Department. Minor
92 modifications may be approved in writing by the Planning and Building Director.
- 93 3. No signage is specifically approved as a result of this approval. All signage shall
94 separately be subject to the approval of the Planning and Building Director and
95 shall be in accordance with the CMC.
- 96 4. This project is subject to impact fees for the expanded restaurant patio space.
97 The impact fees shall be paid in full no later than the ending of the City's
98 Temporary Support and Recovery Program for temporary outdoor patio
99 conversions. At the time of writing of this condition, that program is scheduled to
100 expire on June 1, 2021.
- 101 5. Any parking spaces eliminated as a result of the conversion of the parking lot to
102 an outdoor patio shall be offset according to the following requirements:
 - 103 a. The lost parking spaces shall be replaced at 1:1 ratio at an offsite off-street
104 location within 500 feet of the subject property's property line within 30 days of
105 the ending of the Temporary Support and Recovery Program. The configuration
106 of the replacement off-site parking shall be subject to review and approval by the
107 Planning & Building Director. The replacement spaces shall be reserved for
108 restaurant and hotel use and marked by appropriate signage. If at some point in
109 the future the replacement spaces are lost, Tier II in-lieu fees shall be paid to the
110 City, or the patio shall be converted back to parking, within 60 days of the loss of
111 the replacement parking.

- 112 b. As an alternative to providing replacement parking spaces, payment of Tier II
113 in-lieu parking fees may be paid in full by the applicant no later than 30 days from
114 the ending of the Temporary Support and Recovery Program, unless an
115 alternative payment plan is approved by the City Council.
- 116 c. A combination of replacement parking spaces and fees is acceptable, subject
117 to the provisions of a and b herein.
- 118 d. Within 45 days of the approval of this use permit, applicant shall enter into an
119 agreement in a form approved by the City and to be recorded against the
120 property that sets forth the obligations in this condition of approval and provides
121 that in the event the applicant does not pay in-lieu fees as required herein, the
122 City has a lien against the real property and may collect the in-lieu fees on the
123 tax rolls. In addition, in the event replacement spaces are not provided or Tier II
124 in-lieu fees are not paid in full by the initial stated deadline or in the event of a
125 future loss of spaces, this use permit may be revoked and the property owner
126 shall take immediate steps to begin converting the patio back to a parking lot.
- 127 6. Any minor modifications to the project shall be subject to the review and approval
128 of the Planning & Building Director.
- 129 7. This permit shall be null and void if not used within a year, or if the use is
130 abandoned for a period of one hundred and eighty (180) days. Once the use is
131 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
132 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 133 8. This use permit does not abridge or supersede the regulatory powers or permit
134 requirements of any federal, state or local agency, special district or department
135 which may retain regulatory or advisory function as specified by statute or
136 ordinance. The applicant shall obtain permits as may be required from each
137 agency.
- 138 9. A building permit shall be obtained for any construction occurring on the site not
139 otherwise exempt by the California Building Code or any state or local
140 amendment adopted thereto, and all fees associated with plan check and
141 building inspections, and associated development impact fees established by
142 City Ordinance or Resolution shall be paid.
- 143 10. Prior to operation, an inspection shall be conducted by the Fire Department to
144 ensure compliance with health and safety regulations including the installation of
145 fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally
146 if necessary, the occupancy limit of the space shall be reviewed and approved by
147 the Building Official and/or Fire Chief and shall be posted in a conspicuous place
148 for the life of the use.
- 149 11. All exterior lighting on the property shall be directed downward and shall
150 otherwise be 'Dark Sky' compliant.

- 151 12. All conditions related to previous entitlements or permits for this property shall
152 remain in effect unless specifically amended herein.
- 153 13. This project is specifically noted as being subject to all City ordinances related to
154 noise.
- 155 14. Temporary or Special Event permits will be required to be applied for by the
156 applicant prior to any events on the property.
- 157 15. The occupancy limit of the space(s) shall be reviewed and approved by the
158 Building Official and/or Fire Chief and shall be posted in a conspicuous place for
159 the life of the use.
- 160 16. A 14-foot fire lane shall be maintained through the entire converted parking lot
161 patio space, subject to the Fire Chief's review and approval.
- 162

ADOPTED on August 11, 2021 by the following vote of the Calistoga Planning
Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Claudia Aceves, Secretary