

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2022-XX**

**APPROVING USE PERMIT AMENDMENT UP 2021-9 AND DESIGN  
REVIEW DR 2021-2 FOR 345 SILVERADO TRAIL (APN 011-050-032)  
WITHIN THE PD 2002-2 ZONING DISTRICT, AND REVIEWING FOR  
COMPLIANCE WITH THE ORIGINAL CONDITIONS OF APPROVAL OF  
THE HELMER CONDITIONAL USE PERMIT U 2003-12**

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1       **WHEREAS**, the property at 345 Silverado Trail (APN 011-050-032) is within the  
2 PD 2002-2 Zoning District where most uses and development require a use permit and  
3 design review; and

4       **WHEREAS**, on February 25, 2004, the Calistoga Planning Commission approved  
5 a mitigated negative declaration, and design and conditions use permit application to  
6 establish a residential development under U 2003-12, located at the subject property at  
7 345 Silverado Trail; and

8       **WHEREAS**, in July 2021, after complaints by neighboring residents and visual  
9 inspections, City staff became aware of unpermitted construction and uses on the  
10 property and determined that there were likely not in compliance with the original use  
11 permit U 2003-12; and

12       **WHEREAS**, on September 24, 2021, the property owner and applicant Syed Ali  
13 (Rick) submitted a request for a use permit amendment and design review application in  
14 order to review the property's compliance with the original conditions of approval under  
15 U 2003-12 and amend the permitted uses and seek approval for the design of new  
16 existing structures; and

17       **WHEREAS**, the Planning Commission considered this request at its regular  
18 meeting of October 27, 2021. Prior to taking action on the application, the Planning  
19 Commission received written and oral reports by the staff, and received public testimony.  
20 The Planning Commission continued this item to a future date due to a number of  
21 outstanding items needed to make a final determination; and

22       **WHEREAS**, on January 14, 2022, public notice of the January 26, 2022 Planning  
23 Commission meeting to consider the request was published in the Calistoga Tribune,  
24 mailed to all property owners within 300 feet of the property at 345 Silverado Trail, in  
25 compliance with state and local law; and

26       **WHEREAS**, on January 19, 2022, public notice of the January 26, 2022 Planning  
27 Commission meeting to consider the request was posted on the City's website, in  
28 compliance with state and local law;

29       **WHEREAS**, the Planning Commission considered this request at its regular  
30 meeting of January 26, 2022. Prior to taking action on the amendment, the Planning  
31 Commission received written and oral reports by the staff, and received public testimony.

32       **WHEREAS**, this action has been reviewed for compliance with the California  
33 Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA  
34 pursuant to Section 15301 of the CEQA Guidelines; and

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

- 37 1.     Finding: The application is in accord with the General Plan and any applicable  
38 planned development.

39           Supporting Evidence: The development to be approved is consistent with the goals  
40 and policies of the Calistoga General Plan in that it represents allowable uses on  
41 an existing residential property and is screened from public view via Mt.  
42 Washington.

- 43 2.     Finding: The application is in accord with all provisions of this title.

44           Supporting Evidence: The site is physically suitable for the type and intensity of  
45 development recommended for approval by staff in that it occupies an existing rural  
46 residential space appropriate for residential uses and ancillary/accessory uses.  
47 The development to be approved is allowed with a use permit in this district by the  
48 zoning code and is in compliance with all PD 2002-2 District development  
49 standards.

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

52           Supporting Evidence: The development is situated on an existing rural residential  
53 space. The development to be approved will not generate any excessive noise or  
54 lighting, or any other operational characteristics associated with the use that will  
55 interfere with surrounding properties.

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

59           Supporting Evidence: Not applicable.

60           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.050 has made  
61 the following design review findings for the project:

- 62 1.     Finding: Is in accord with the General Plan.

63           Supporting Evidence: The development to be approved is consistent with the goals  
64 and policies of the Calistoga General Plan in that it represents allowable uses on  
65 an existing residential property and is screened from public view via Mt.  
66 Washington.

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

68           Supporting Evidence: The site is physically suitable for the type and intensity of  
69 development recommended for approval by staff in that it occupies an existing rural  
70 residential space appropriate for residential uses and ancillary/accessory uses.  
71 The development to be approved is allowed with a use permit in this district by the

72 zoning code and is in compliance with all PD 2002-2 District development  
73 standards.

74 3. Finding: Is consistent with any adopted design review guidelines to the extent  
75 possible.

76 Supporting Evidence: The development to be approved is designed in accordance  
77 with the adopted design guidelines, are designed and landscaped in an  
78 architecturally tasteful and sensitive manner, and are adequately screened to the  
79 extent possible from neighboring properties.

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

82 Supporting Evidence: The development is situated on an existing rural residential  
83 space. The development to be approved will not generate any excessive noise or  
84 lighting, or any other operational characteristics associated with the use that will  
85 interfere with surrounding properties.

86 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
87 Commission that based on the above findings, the Planning Commission approves the  
88 proposed use and design of development on the property, subject to the following  
89 conditions of approval:

90 1. The use hereby permitted shall substantially conform to the project descriptions and  
91 supporting plans from the original use permit U 2003-12, except as noted in the  
92 permit conditions listed below and those dated February 25, 2004.

93 2. The applicant shall implement all required actions identified in the Notice of Violation,  
94 reissued January 19, 2022, by the indicated completion date.

95 3. Aviaries. As a condition of approval, the applicant shall obtain a demo permit (if  
96 applicable) and remove the aviaries and support bird cages within 30 days post-  
97 adoption of this Resolution.

98 4. Entry Gate. The entry gate is approved subject to removing the flaming component  
99 (i.e. gas supply and igniter system) of the phoenix ball structure. As conditioned, the  
100 applicant shall remove the flaming component of the phoenix ball structure and obtain  
101 a building permit required building permit(s) within 30 days post-adoption of this  
102 Resolution.

103 5. Metal Building. The metal building is approved subject to relocation outside of the 10-  
104 foot side setback, in conformance with PD 2002-2. As conditioned, the applicant shall  
105 relocate the metal building outside of the setback and obtain all required building  
106 permit(s) within 30 days post-adoption of this Resolution.

107 6. Any expansion or change of use shall require a use permit and design review  
108 amendment subject to review by the Planning Commission. Minor modifications  
109 may be approved in writing by the Planning and Building Director.

- 110 7. This permit shall be null and void if not used within a year, or if the uses are  
111 abandoned for a period of one hundred and eighty (180) days. Once the uses are  
112 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms  
113 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 114 6. This use permit does not abridge or supersede the regulatory powers or permit  
115 requirements of any federal, state or local agency, special district or department  
116 which may retain regulatory or advisory function as specified by statute or  
117 ordinance. The applicant shall obtain permits as may be required from each  
118 agency.
- 119 7. This project is subject to additional review and approvals by the Calistoga Building  
120 Division and the Calistoga Fire Department. Prior to operation/occupancy, an  
121 inspection shall be conducted by the Fire Department to ensure compliance with  
122 health and safety regulations, if applicable.
- 123 8. A building permit shall be obtained for any construction occurring on the site not  
124 otherwise exempt by the California Building Code or any state or local amendment  
125 adopted thereto, and all fees associated with plan check and building inspections,  
126 and associated development impact fees established by City Ordinance or  
127 Resolution shall be paid. Building permits for all approved portions of this  
128 development shall be obtained to the City within thirty (30) days of the effective  
129 date of this Resolution. For any aspects of the development not approved and that  
130 require demolition, the owner applicant shall apply for demolition permits for those  
131 structures within thirty (30) days of the effective date of this Resolution.
- 132 10. No construction shall be allowed within the existing 20-foot utility easement as  
133 conditioned by the Public Works Department.

**ADOPTED** on January 26, 2022, by the following vote of the Calistoga Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Scott Cooper, Chair

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