

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

APPROVING USE PERMIT APPLICATION UP 2022-1 AND DESIGN REVIEW APPLICATION DR 2022-1 RENEWING UP 2018-12 AND DR 2018-9 FOR A THREE GUEST UNIT EXPANSION AT 1807 FOOTHILL BOULEVARD (APN 011-290-046)

1 **WHEREAS**, David Patel (applicant) proposes to add three guest units and
2 associated on-site improvements at the Aurora Park Cottages, located at 1807 Foothill
3 Boulevard; and

4 **WHEREAS**, the Planning Commission approved Resolution 2020-5 on February
5 26, 2020, approving a use permit and design review for this project; and

6 **WHEREAS**, the Planning and Building Director granted a one year time
7 extension on July 28, 2020 for this project; and

8 **WHEREAS**, the use permit and design review will expire on March 7, 2022, two
9 years after their effective date; and

10 **WHEREAS**, the applicant requests to reapply for and renewal of their land use
11 entitlements (use permit and design review) for this project; and

12 **WHEREAS**, the Planning Commission considered these requests at a public
13 hearing on February 9, 2022, and prior to taking action on the applications, received
14 written and oral staff reports, and public testimony; and

15 **WHEREAS**, this action has been reviewed for compliance with the California
16 Environmental Quality Act (CEQA) and is exempt pursuant to Section 15303 of the
17 CEQA Guidelines (New Construction and Conversion of Small Structures); and

18 **WHEREAS**, the Planning Commission pursuant to CMC Section 17.40.030(D)
19 has made the following findings that the use permit application:

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

22 Substantial evidence: The project is consistent with applicable policies included
23 in the General Plan. The property is within the Low-Density Residential Land Use
24 Designation, which allows the proposed visitor accommodation use, and the
25 intensity of the project is appropriate. Adding three guest units to meet growing
26 visitor demands also achieves the policy direction contained in the Economic
27 Element of the General Plan.

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

29 Substantial evidence: The property is located within the R-1-10: One-Family
30 Zoning District. The R-1-10 District conditionally allows bed and breakfast inns
31 with up to ten units. The expanded use is consistent with the R-1-10 District
32 development standards and would comply with the parking requirements
33 associated with this use.

- 34 3. Finding: Will not substantially impair or interfere with the development, use or
35 enjoyment of other property in the vicinity.
36 Substantial evidence: The existing resort property is adequate in size, shape,
37 location, and physical characteristics to accommodate the type and intensity of
38 the proposed structures and associated use. No impacts to surrounding
39 properties are anticipated.
- 40 4. Finding: Is consistent with and enhances Calistoga's history of independently-
41 owned businesses, thus contributing to the uniqueness of the town, which is
42 necessary to maintain a viable visitor industry and promote its economy.
43 Substantial evidence: The project involves an independently-owned business
44 that would enhance the town's visitor industry.
- 45 5. Finding: Is resident-serving, in the case of a formula business.
46 Substantial evidence: The proposed use is not considered a formula business as
47 defined by Title 17.

48 **WHEREAS**, the Planning Commission pursuant to Chapter 17.41.050 has made
49 the following design review findings that the project:

- 50 1. Is in accord with the General Plan and any applicable planned development.
51 Supporting Evidence: The project is consistent with the policies included in the
52 General Plan. The property is within the Low-Density Residential Land Use
53 Designation, which allows the proposed visitor accommodation use, and the
54 intensity of the project is appropriate. Adding three new guest cottage structures
55 and converting an existing cottage to a manager's residence in order to meet
56 growing visitor demands also achieves the policy direction contained in the
57 Economic Element of the General Plan.
- 58 2. Is in accord with all applicable provisions of the Zoning Code.
59 Supporting Evidence: The property is located within the R-1-10: One-Family
60 Zoning District. The R-1-10 District conditionally allows bed and breakfast inns.
61 The expanded and reconfigured use is consistent with the R-1-10 District
62 development standards and would comply with the parking requirements
63 associated with this use.
- 64 3. Is consistent with any adopted design review guidelines to the extent possible.
65 Supporting Evidence: The project's design elements are consistent with
66 Community Identity Element policies that encourage the use of existing materials
67 that have traditionally been used in Calistoga. The proposed design and
68 materials are consistent with the prior approved development on this property.
- 69 4. Will not impair or interfere with the development, use or enjoyment of other
70 property in the vicinity or the area.
71 Supporting Evidence: The existing resort property is adequate in size, shape,
72 location, and physical characteristics to accommodate the type and intensity of

73 the proposed new and reconfigured structures and associated use. No impacts to
74 surrounding properties are anticipated.

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

79 **ADOPTED** on February 9, 2022 by the following vote of the Calistoga Planning
80 Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Claudia Aceves, Secretary

Exhibit A

Conditions of Approval

Use Permit UP 2022-1 and Design Review DR 2022-1

General

- 81 1. The improvements and uses hereby permitted shall substantially conform to the
82 plans and project description received as part of applications UP 2018-12 and DR
83 2018-9 by the Planning and Building Department, except as noted in the permit
84 conditions.
- 85 2. Minor modifications to the project design that do not generate environmental
86 impacts may be approved in writing by the Planning and Building Director.
- 87 3. This approval shall be null and void if not used within a year, unless an extension
88 and/or building permit has been issued for the project prior to the expiration date.
- 89 4. This approval does not abridge or supersede the regulatory powers or permit
90 requirements of any federal, state or local agency, special district or department
91 which may retain regulatory or advisory function as specified by statute or
92 ordinance. Permits shall be obtained as may be required from each authority.
- 93 5. All conditions associated with previous entitlements for the property shall remain in
94 effect, unless specifically modified by this approval.

95 **Planning Department**

- 96 6. Prior to the installation of any landscaping, a final landscape plan prepared in
97 accordance with the State Water Efficient Landscape Ordinance shall be submitted
98 for City approval. Landscaping and irrigation shall be installed prior to project
99 occupancy, maintained throughout the life of the project, and replaced as
100 necessary.
- 101 7. All permanent exterior lighting shall be directed and/or shielded so as not to shine
102 or create glare on any adjacent property in accordance with the standards
103 contained in Section 17.36 of the Calistoga Municipal Code and the Title 24 Part 6
104 2007 California Energy Code which limits light and glare, subject to the review and
105 approval of the Planning and Building Department.

106 **Fire Department**

- 107 8. This project is in the Very High Fire Hazard Area and is required to meet all of the
108 conditions of CFC Chapter 49, CBC Chapter 7A and the Residential Code, Section
109 R327. The project shall be subject to additional review and approval by the Fire
110 Department at the time of building or grading permit application.

111 **Public Works Department**

- 112 9. A new water and wastewater baseline shall be established for this project, and the
113 owner shall purchase additional water and wastewater allocations as necessary.
- 114 10. New cottages shall be served by the existing water lateral serving APN 011-290-
115 046. The Developer shall adequately size the existing water lateral and water
116 meter to serve additional cottages. Connecting to private water laterals that serve
117 neighboring properties is not allowed.
- 118 11. Provide evidence to the City that the existing sewer lateral is structurally-sound
119 and correctly sized and sloped. This can be done by videoing the sewer lateral with
120 a Public Works employee present and providing the City with a copy of the video.
121 New cottages shall be served by the existing sewer lateral serving APN 011-290-
122 046.
- 123 12. All private storm drains, water, fire line services, sewer laterals, and appurtenances
124 shall be located within the private property and clearly identified as private on the
125 design drawings.
- 126 13. The developer shall design and construct all improvements and facilities shown on
127 the approved plans and shall comply with the Calistoga Municipal Code and the
128 "Standard Specifications" of the Public Works Department which utilizes the City of
129 Santa Rosa Standards. Approval of plans depicting improvements that do not
130 conform to the CMC or City standards does not constitute approval of exception to
131 the CMC or City standards unless explicitly approved by the City Public Works
132 Department.
- 133 14. The developer shall submit a soils investigation/geotechnical report for the project
134 site with the first set of improvement plans. The improvement plans shall
135 incorporate all design and construction criteria specified in the report. The soils
136 engineer shall review the improvement plans and provide a letter to the City stating
137 the plans are consistent with their recommendations.
- 138 15. No grading or other construction shall be performed until the improvement plans
139 have been approved and signed by the City Engineer. Encroachment permits and
140 building permits will not be issued prior to the approval of the improvement plans,
141 unless otherwise approved by the City Engineer.
- 142 16. Provide final fire flow/sprinkler calculations that include existing city pressure/flows
143 at main and account for all losses due to new service line, backflow
144 devices/meters/minor losses and elevation losses to the project. Additional fire
145 pumping will likely be required to adequately serve the project.
- 146 17. Provide a final drainage study and stormwater control report (per BASMAA
147 standards) prior to improvement plans approval.
- 148 18. Prior to occupancy, owner shall sign a maintenance agreement for any stormwater
149 quality/detention devices.

- 150 19. The developer's engineer shall include a site grading plan that conforms to the
151 requirements of CMC 19.08 as part of the required improvement drawings.
- 152 20. Improvement plans shall include an erosion control plan and a NOI/SWPPP.
- 153 21. A tree removal permit shall be obtained prior to the removal of any trees on the
154 project site, and any replacement requirements shall be complied with prior to final
155 occupancy per Calistoga Municipal Code (CMC) Chapter 19.01 and to the
156 satisfaction of the Public Works Department.
- 157 22. Obtain an encroachment permit and/or utility access agreements/easements from
158 Caltrans for all work within (or use of) the Caltrans right-of-way.