

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2023-XX**

**APPROVING USE PERMIT UP 2022-12 ALLOWING LIVE-WORK
RESIDENTIAL USE OF THE REAR PORTION OF THE GROUND FLOOR
OF AN EXISTING RETAIL SPACE AT 1219 WASHINGTON ST (APN 011-
221-012)**

WHEREAS, on December 19, 2022, Alexander Jermyn submitted a request for a use permit in order to adaptively re-use existing floor area for live-work residential use totaling approximately 542 square feet located at 1219 Washington St; and

WHEREAS, the Planning Commission considered this request at its regular meeting on February 8, 2023. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the proposed residential use has been evaluated for compliance with the City's adopted General Plan Policy and is in compliance in all respects; and

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

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

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

Supporting Evidence: The proposed development is consistent with the goals and policies of the Calistoga General Plan, particularly Housing Element Goal H-1, *Maximize opportunities for the development of housing to accommodate anticipated growth and facilitate mobility within the ownership and rental housing markets*; and, Objective H-1.1 *Ensure that an adequate amount of land is available for residential development for all economic segments of the community and to meet the city's regional share of housing needs.*

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

Supporting Evidence: The DC: Downtown Commercial Zoning District conditionally allows the noted uses, specifically live-work residential use with a use permit. The uses are consistent with all DC District development standards and would comply with the parking requirements associated with the use and the additional parking demands can be met on-site. The project is in compliance with all other development standards for the Zoning District

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

Supporting Evidence: The proposed mix of uses are similar to those already found within the downtown district and immediate vicinity. No significant new noise or traffic impacts are expected from the project.

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

Supporting Evidence: Bringing residential use to the downtown is in keeping with localized reinvigoration through increasing human activity within the downtown generally and would be consistent with Calistoga's sense of independent and unique single-location businesses. The project as proposed would allow the property to continue to enhance the experience of residents and visitors to the city and make a meaningful contribution to the City's fiscal vitality.

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

1. The use and design hereby permitted shall substantially conform to the project descriptions and supporting plans approved by UP 2022-12, except as noted in the permit conditions.
2. Any further expansion or change of use shall require an amendment subject to use permit review as determined by the Planning and Building Department. Minor modifications may be approved in writing by the Planning and Building Director.
3. No signage is specifically approved as a result of this approval. All signage shall separately be subject to the approval of the Planning and Building Director, unless otherwise required, and shall be in accordance with the CMC.
4. Any minor modifications to the project shall be subject to the review and approval of the Planning & Building Director.
5. This permit shall be null and void if not used within a year, or if the use is abandoned for a period of one hundred and eighty (180) days. Once the use is initiated, this permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
6. This use permit 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. The applicant shall obtain permits as may be required from each agency.
7. A building permit shall be obtained for any construction occurring on the site not otherwise exempt by the California Building Code or any state or local amendment adopted thereto, and all fees associated with plan check and

- building inspections, and associated development impact fees established by City Ordinance or Resolution shall be paid.
8. Adding residential occupancy to the building triggers the requirement for fire sprinklers throughout, subject to the review and approval of the Calistoga Fire Chief, prior to the issuance of Occupancy Permit.
 9. Prior to operation, an inspection shall be conducted by the Fire Department to ensure compliance with health and safety regulations including the installation of fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally, if necessary, the occupancy limit of the space shall be reviewed and approved by the Building Official and/or Fire Chief and shall be posted in a conspicuous place for the life of the use.
 10. All exterior lighting on the property shall be directed downward and shall otherwise be 'Dark Sky' compliant. An exterior lighting plan shall be submitted to the City for review and approval. Updated exterior lighting as necessary shall be installed prior to opening of the business.
 11. All conditions related to previous entitlements or permits for this property shall remain in effect unless specifically amended herein.
 12. This project is specifically noted as being subject to all City ordinances related to noise.
 13. The occupancy limit of the space(s) shall be reviewed and approved by the Building Official and/or Fire Chief and shall be posted in a conspicuous place for the life of the use.

Public Works

14. Prior to further Building Permit issuance, provide a water and sewer allocation study comparing project with existing baseline. Purchase additional allocation(s) of water and/or wastewater as necessary to project needs prior of issuance of Building Permit.
15. Provide evidence to the City that the existing sewer lateral is structurally sound, adequate in capacity and correctly sloped. This can be done by videoing the sewer lateral and providing the City with a copy of the video. This videoing should be performed with a Public Works employee present.
16. Applicant shall install a Badger Remote Read Water Meter consistent with City of Calistoga standard as accepted by City Public Works prior issuance of Occupancy Permit.
17. An encroachment permit is required from City for any connection to City utilities.
18. A backflow prevention device will be required on the applicant's side of the water meter. The applicant will be responsible for annual testing and necessary repairs of device.

19. Because fire sprinklers are to be installed, 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 a T connection to the water main.

ADOPTED on February 8, 2023 by the following vote of the Calistoga Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Jeff Mitchem, Secretary

Timoth Wilkes, Chair