

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-18**

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (U 2009-01) ALLOWING ADMINISTRATIVE OFFICES, STORAGE AND WAREHOUSING ASSOCIATED WITH AN ADJACENT RESIDENT SERVING BUSINESS, CAL MART, TO BE ON AN ADJACENT PROPERTY LOCATED AT 1311 FAIR WAY (APN 011-433-009) WITHIN THE “CC”, COMMUNITY COMMERCIAL – DESIGN DISTRICT

1 **WHEREAS**, the property owner, William Shaw is the applicant of the subject property for
2 which this application is proposed; and
3

4 **WHEREAS**, on April 14, 2009 the applicant submitted a Conditional Use Permit (CUP
5 2009-01) requesting authorization to establish administrative offices, storage and warehousing
6 associated with Cal Mart on an adjacent property; and
7

8 **WHEREAS**, the Planning Commission considered this Conditional Use Permit (CUP
9 2009-01) request at its regular meeting of July 22, 2009. Prior to taking action on the
10 application, the Planning Commission received written and oral reports by the staff, and
11 received public testimony; and
12

13 **WHEREAS**, this action has been reviewed for compliance with the California
14 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant
15 to Section 15332 of the CEQA guidelines; and
16

17 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made the
18 following Conditional Use Permit findings for the project:
19

- 20 1. The proposed development, together with any provisions for its design and
21 improvement, is consistent with the General Plan, any applicable specific plan and other
22 applicable provisions of the Zoning Code including the finding that the use as proposed
23 is consistent with the historic, rural, small-town atmosphere of Calistoga.
24

25 Finding: Uses accessory to a resident servicing business at this location is consistent
26 with the General Plan vision for those properties designated Community Commercial.
27

- 28 2. The site is physically suitable for the type and density of development.
29

30 Finding: No substantial changes will be occurring to the existing building, other than that
31 which is required to conform to circulation, handicap accessibility and energy efficiency
32 design standards. These existing developments are suitable for the site.
33

- 34 3. The proposed development has been reviewed in compliance with the California
35 Environmental Quality Act (CEQA) and the project will not result in detrimental or
36 adverse impacts upon the public resources, wildlife or public health, safety and welfare.
37

38 Finding: This project is exempt from CEQA under Section 15332.
39

- 40 4. Approval of the use permit application will not cause adverse impacts to maintaining an
41 adequate supply of public water and an adequate capacity at the wastewater treatment
42 facility.
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44 Finding: The City's water system and wastewater treatment facility are adequate to
45 serve this infill project.

46
47 5. Approval of the use permit application shall not cause the extension of service mains
48 greater than 500 feet.

49
50 Finding: Approval of this use permit application will not cause the extension of service
51 mains greater than 500 feet.

52
53 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC
54 (Resource Management System) shall be made prior to project approval. Said allocation
55 shall be valid for one year and shall not be subject to renewal.

56
57 Finding: The Project has received a Growth Management Allocation granting the
58 necessary water and wastewater service necessary to meet the project's demands.

59
60 7. The proposed development presents a scale and design which are in harmony with the
61 historical and small-town character of Calistoga.

62
63 Finding: No substantial changes, other than those required to comply with circulation,
64 handicap accessibility and energy efficiency standards, are proposed to the building
65 exterior.

66
67 8. The proposed development is consistent with and will enhance Calistoga's history of
68 independent, unique, and single location businesses, thus contributing to the uniqueness
69 of the town, which is necessary to maintain a viable visitor industry in Calistoga and to
70 preserve its economy.

71
72 Finding: Cal Mart is a local business and is consistent with Calistoga's General Plan
73 vision.

74
75 9. The proposed development complements and enhances the architectural integrity and
76 eclectic combination of architectural styles of Calistoga.

77
78 Finding: No change will be made to the architectural style.

79
80 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission
81 that based on the above Findings, the Planning Commission approves the proposed project,
82 subject to the following Conditions of Approval:

83 **GENERAL**

84
85 1. The use hereby permitted shall substantially conform to the project description and Design
86 Plans submitted by the applicant to the Planning and Building Department on April 15,
87 2008, except as noted in the permit conditions. This use permit allows off site
88 administrative offices, storage and warehousing associated with Cal Mart.

89
90 2. The normal business operations within the structure(s) shall not be limited to specific days
91 of the week or hours, unless substantial health, safety and welfare impacts occur. In which
92 case, the Planning and Building Department or the Planning Commission may impose
93 greater restrictions.

94

- 95 3. This permit shall be null and void if not used within a one year period, or if the use is
96 abandoned for a period of one hundred and eighty (180) days. This permit shall be valid
97 until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the
98 Calistoga Municipal Code. Minor modifications which do not increase environmental
99 impacts may be approved in writing by the Planning and Building Director.
- 100
101 4. The Planning Commission may revoke the use permit pursuant to Section 17.40 of the
102 Calistoga Municipal Code in the future if the Commission finds that the use to which the
103 permit is put is detrimental to the health, safety, comfort or welfare of the public, or
104 causes a nuisance.
- 105
106 5. The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to
107 make periodic inspections at any reasonable time deemed necessary in order to assure
108 that the activity being performed under authority of this permit is in accordance with the
109 terms and conditions prescribed herein.
- 110
111 6. This use permit does not abridge or supercede the regulatory powers or permit
112 requirements of any federal, state or local agency, special district or department which
113 may retain regulatory or advisory function as specified by statute or ordinance. The
114 applicant shall obtain permits as may be required from each agency.
- 115
116 7. Prior to operations and/or alterations, a building permit shall be obtained. Plans designed
117 by a licensed architect or engineer shall be provided to the Planning and Building
118 Department in accordance with the current policies and regulations in place at the time of
119 building permit application submittal.
- 120
121 8. Prior to occupancy or operation, all site improvements and structures shall be designed in
122 accordance with State and Federal accessibility standards, including but not limited to,
123 providing an adequate path of travel and an accessible space on the property.
- 124
125 9. Prior to the issuance of a grading or building permit, the applicant shall pay all fees
126 associated with plan check and building inspections, and associated development
127 impact fees rightfully established by City Ordinance or Resolution.
- 128
129 10. In the event that the Fire Chief deems necessary, fire sprinklers shall be installed
130 throughout the structure subject to the review and approval of the Fire Department.
- 131
132 11. No outdoor storage of merchandise, equipment and/ or debris shall be permitted.
- 133
134 12. Prior to operation, all uses currently established on the property located at 1473 Lincoln
135 Avenue (APN 011-205-017) shall be abandon and the property shall be cleaned up to a
136 level acceptable to the Planning and Building Department.
- 137
138 13. Prior to occupancy, all parking areas on the adjoining parcel located at 1475 Second
139 Street shall be surfaced with a minimum Class II road base or ¾" gravel 6 inches in
140 depth, unless an alternative material is reviewed and approved by the Planning and
141 Building, Fire and Public Works Departments.
- 142
143 14. Prior to building or grading permit issuance, the applicant must obtain an encroachment
144 permit for any work performed within the City's public right-of-way.
- 145

- 146 15. The property shall be served by the City's water and wastewater system.
147
148 16. Complete plans and specifications containing equipment layout, finish schedule and
149 plumbing plans for the food and/or beverage facilities and employee restrooms must
150 also be submitted directly to the Department of Environmental Management with the
151 appropriate plan review fee. These plans must be reviewed and approved prior to
152 issuance of any building clearance or building permit for said areas.
153
154 17. Prior to occupancy, a refuse enclosure/area shall be reviewed and approved by the
155 Planning and Building Department. No refuse containers shall be permitted along the 1st
156 Street frontage. Adequate area must be provided for collection of recyclables. The
157 applicant must contact Upper Valley Disposal in order to determine the area and the
158 access needed for this refuse area.
159
160 18. All solid waste shall be stored and disposed of in a manner to prevent nuisances or
161 health threats from insects, vectors and odors.
162
163 19. During the construction, demolition, or renovation period of the project the applicant
164 should use Upper Valley Disposal for all wastes generated during project development,
165 unless applicant transports their own waste. If the applicant transports their own waste,
166 they must use the appropriate landfill or solid waste transfer station for the service area
167 in which the project is located.
168

169 **PASSED, APPROVED AND ADOPTED** on July 22, 2009, by the following vote of the
170 Calistoga Planning Commission:

171
172
173 AYES:
174 NOES:
175 ABSENT:
176 ABSTAIN:

177
178
179 _____
Jeff Manfredi, Chairman

180
181
182
183 ATTEST: _____
184 Kathleen Guill
185 Secretary to the Planning Commission