

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** CHAIRMAN MANFREDI AND MEMBERS OF THE  
PLANNING COMMISSION

**FROM:** ERIK V. LUNDQUIST, ASSOCIATE PLANNER

**MEETING DATE:** JULY 22, 2009

**SUBJECT:** CONDITIONAL USE PERMIT (U 2009-02) FOR CAL  
MART'S OFF SITE OFFICES, STORAGE AND  
WAREHOUSING AT 1311 FAIR WAY (APN 011-204-009)

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1 **REQUEST**

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3 Consideration of a Conditional Use Permit (CUP 2009-01) requested by the property  
4 owner, William Shaw to allow offices, storage and warehousing of goods associated with  
5 his business, Cal Mart, a resident serving business located on an adjacent parcel. The  
6 proposed offices, storage and warehousing use(s) will occur within the existing  
7 structures located at 1311 Fair Way (APN 011-204-009) within the "CC-DD", Community  
8 Commercial – Design District. The proposed amendments to the General Plan and  
9 Zoning Ordinance are exempt from the California Environmental Quality Act (CEQA)  
10 pursuant to Section 15332 of the CEQA Guidelines.

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12 **PROPERTY INFORMATION:**

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14 **Location:** 1311 Fair Way

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16 **APN:** 011-204-009

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18 **Acreage:** 6,000 square feet

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20 **General Plan:** Community Commercial

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22 **Zoning District:** "CC-DD", Community Commercial – Design District

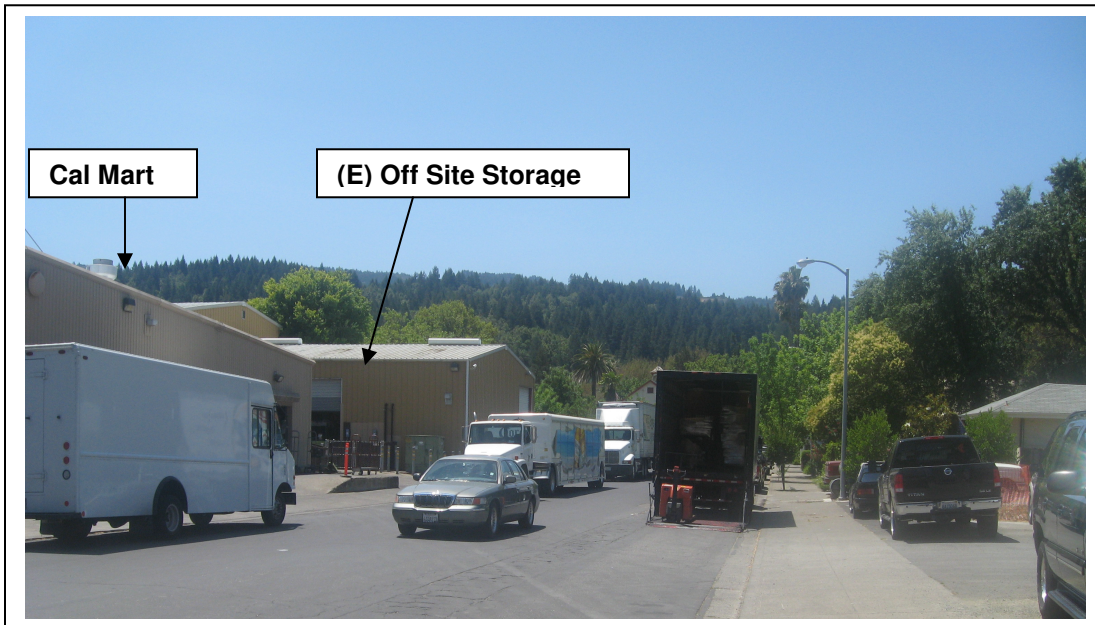
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24 **Existing Use:** Vacant Warehouse Building

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26 **Surrounding Uses:** **North** - Fair Way Manor MHP & Multi-family Res.  
27 **East** - Dr. Wilkinson's Resort & Cal Mart  
28 **South** – Vacant Warehouse Building  
29 **West** – Chelsea Garden Inn  
30

**Project/Site Description:**

Cal Mart, a resident serving grocery store, is currently located at 1491 Lincoln Avenue (APN 011-205-001) within the “DC-DD”, Downtown Commercial – Design District. The property is a corner through lot with frontage along Lincoln Avenue, Fair Way and 1<sup>st</sup> Street. Patrons enter the store via a parking lot off of Lincoln Avenue. Delivery and employees enter through the back of the store along 1st Street.

In response to servicing the community’s needs, Cal Mart has recently completed a comprehensive interior remodel. The primary goal of the remodel was to maximize interior retail space, as much as possible within the existing footprint, and to provide additional deli and prepared food options to their patrons. As a result of the remodel, there became a lack of space available for its administrative offices, storage and warehousing uses. As such, the City authorized Cal Mart to use the neighboring property, owned by Marilyn Sprenger, for these secondary uses. Currently, Cal Mart subleases the property from Calistoga Mineral Water Co. who previously occupied the warehouse, along with another structure that was demolished in 2002.



**1<sup>st</sup> Street Frontage – Viewing South**

It was recently brought to the attention of the Planning and Building Department that Calistoga Mineral Water will not be renewing their lease, which ultimately affects the Cal Mart sublease. Mr. William Shaw, owner/manager of Cal Mart has expressed that they have been in discussions with Ms. Sprenger to negotiate a lease for the continued use of the property, although, nothing has been finalized to date. Continued use of this property is preferred, however, since Mr. Shaw owns a vacant underutilized warehouse building across the street on the property located at 1311 Fair Way (APN 011-204-009) within the “CC”, Community Commercial – Design District, he is requesting the Planning

79 Commission's consideration of this use permit to allow offices, storage and warehousing  
80 of goods associated with Cal Mart, a resident serving business located on the adjacent  
81 parcel. In the event that the Planning Commission is supportive of Mr. Shaw's request,  
82 he would vacate Ms. Sprenger's property.  
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103 **1311 Fair Way – (N) Administrative Offices and Warehousing Bldg. for Cal Mart**  
104 **Building 'A'**  
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106 The property located at 1311 Fair Way is developed with two contiguous structures  
107 totaling approximately 15,225 square feet of floor area. Building 'A', a metal structure,  
108 has approximately 6,700 square feet of floor area that would be used to store dry  
109 grocery merchandise such as paper products, water, and beverages as well as store  
110 supplies, including extra shelving and racking systems, light bulbs, uniforms, carts etc.  
111 Building 'B', a masonry building, is approximately 8,525 square feet and would be  
112 improved to accommodate approximately 2,188 square feet of office space, bathroom  
113 and two walk-in refrigeration units. The remaining 6,337 square feet of this building  
114 would be used for dry storage. There is an additional 10,598 square feet building  
115 attached to Building 'B' on an adjoining parcel located at 1475 Second Street that will not  
116 be used as part of this project, however, two new refrigeration systems will be placed on  
117 this parcel. Furthermore, employee parking will remain on this parcel.  
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119 **STAFF ANALYSIS/DISCUSSION**  
120

121 **Land Use:**  
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123 The applicant proposes ancillary administrative offices and warehousing in a space  
124 previously occupied by a manufacturing business. A Conditional Use Permit is required  
125 pursuant to Section 17.22.060(B)(22) of the Calistoga Municipal Code, which allows  
126 storage when associated with a resident-serving business located on an adjacent parcel.

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The proposed businesses will be primarily located within the existing building, with the exception to limited patio seating. The property, as existing and proposed, is consistent with the Community Commercial land use designation and the respective "CC", Community Commercial Zoning District.

**Parking/Circulation:**

Vehicular circulation on 1<sup>st</sup> Street is often congested in the mornings during the week, since the majority of the deliveries to Cal Mart occur during this time. Aside from these deliveries, the roadway has an acceptable level of service. No additional increases in traffic are expected as a result of this project and the City accepts the current traffic volumes and circulation patterns.

**Hazards:**

Per Chapter 15.01 Section 903.2.20 of the City's Building Standards Code, a change in use or occupancy or expansion to an existing building that would result in a more hazardous use or occupancy shall meet the requirements for a new building. Based upon the current project scope, the Fire Department has determined that the proposed change in building occupancy and proposed expansion does not require the installation of fire sprinklers throughout the entire building. However, a condition of approval has been included that grants the authority to the Fire Chief to require the installation of fire sprinklers should the project scope change.

**Health and Sanitation:**

The Napa County Department of Environmental Management has reviewed this application and recommends approval with conditions as described in their memorandum dated June 9, 2009, see Attachment No. 3.

**Water and Wastewater Resources:**

On November 5, 2008 the City Council granted Growth Management Allocation (GMA 2009-11) allowing 0.140 a.f. of water and 0.126 a.f. of wastewater for this project. Prior to building permit issuance, the applicant will be required to pay the water and wastewater service connection fee at the rate in affect at the time the building permit is issued. Currently, the water service connection fee is \$26,350 per ac-ft of water use and the wastewater service connection fee is \$85,327 per annual acre-feet of wastewater use.

**FINDINGS**

In addition to the above discussion, the analysis of this project includes reference to the Findings for Use Permit Approval (CMC 17.40.070), which are discussed generally as follows:

**Findings for Use Permit Approval (CMC 17.40.070):**

- 175 1. The proposed development, together with any provisions for its design and  
176 improvement, is consistent with the General Plan, any applicable specific plan  
177 and other applicable provisions of the Zoning Code including the finding that the  
178 use as proposed is consistent with the historic, rural, small-town atmosphere of  
179 Calistoga.  
180  
181 Finding: Uses accessory to a resident servicing business at this location is  
182 consistent with the General Plan vision for those properties designated  
183 Community Commercial.  
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- 185 2. The site is physically suitable for the type and density of development.  
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187 Finding: No substantial changes will be occurring to the existing building, other  
188 than that which is required to conform to circulation, handicap accessibility and  
189 energy efficiency design standards. These existing developments are suitable for  
190 the site.  
191
- 192 3. The proposed development has been reviewed in compliance with the California  
193 Environmental Quality Act (CEQA) and the project will not result in detrimental or  
194 adverse impacts upon the public resources, wildlife or public health, safety and  
195 welfare.  
196  
197 Finding: This project is exempt from CEQA under Section 15332.  
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- 199 4. Approval of the use permit application will not cause adverse impacts to  
200 maintaining an adequate supply of public water and an adequate capacity at the  
201 wastewater treatment facility.  
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203 Finding: The City's water system and wastewater treatment facility are  
204 adequate to serve this infill project.  
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- 206 5. Approval of the use permit application shall not cause the extension of service  
207 mains greater than 500 feet.  
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209 Finding: Approval of this use permit application will not cause the extension of  
210 service mains greater than 500 feet.  
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- 212 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16  
213 CMC (Resource Management System) shall be made prior to project approval.  
214 Said allocation shall be valid for one year and shall not be subject to renewal.  
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216 Finding: The Project has received a Growth Management Allocation granting the  
217 necessary water and wastewater service necessary to meet the project's  
218 demands.  
219
- 220 7. The proposed development presents a scale and design which are in harmony  
221 with the historical and small-town character of Calistoga.  
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223            Finding: No substantial changes, other than those required to comply with  
224            circulation, handicap accessibility and energy efficiency standards, are proposed  
225            to the building exterior.  
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227            8.        The proposed development is consistent with and will enhance Calistoga's  
228            history of independent, unique, and single location businesses, thus contributing  
229            to the uniqueness of the town, which is necessary to maintain a viable visitor  
230            industry in Calistoga and to preserve its economy.  
231

232            Finding: Cal Mart is a local business and is consistent with Calistoga's General  
233            Plan vision.  
234

235            9.        The proposed development complements and enhances the architectural  
236            integrity and eclectic combination of architectural styles of Calistoga.

237            Finding:        No change will be made to the architectural style.  
238

239            **DESIGN REVIEW**  
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241            Pursuant to Section 17.06.020(B)(2) of the Zoning Ordinance, staff recommends  
242            that the requirement for Design Review approval be waived because there are no  
243            substantial design issues to be reviewed that have not been addressed with the  
244            Conditional Use Permit  
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246            **ENVIRONMENTAL REVIEW**  
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248            Under the provisions of Section 15332, In-Fill Development, of the State Guidelines for  
249            Implementation of the California Environmental Quality Act (CEQA) as stated below, this  
250            project is found to be exempt from the environmental review requirements of Chapter  
251            19.10 of the Calistoga Municipal Code, implementing the California Environmental  
252            Quality Act of 1970, as amended in that; 1) the proposal is consistent with the General  
253            Plan and Zoning District, 2) the subject site is less than five acres and is surrounding by  
254            urban uses, 3) approval of the project would not result in any significant effects relating  
255            to traffic, noise, air quality or water quality, and 4) the site can be adequately served by  
256            all required utilities and public services.  
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258            **PUBLIC COMMENTS**  
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260            To date no written public comments have been received regarding this conditional use  
261            permit request.  
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263            **RECOMMENDATIONS**  
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265            A.        Staff recommends the filing of a Notice of Exemption for the Project pursuant to  
266            Section 15332 of the CEQA Guidelines.  
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268            B.        Staff recommends adoption of a Resolution approving Conditional Use Permit (U  
269            2009-01) to allow offices, storage and warehousing of goods associated with his

270 business, Cal Mart, a resident serving business located on an adjacent parcel.  
271 The proposed offices, storage and warehousing use(s) will occur within the  
272 existing structures located at 1311 Fair Way (APN 011-204-009) within the “CC-  
273 DD”, Community Commercial – Design District, based upon the Findings  
274 presented in the staff report and subject to conditions of approval.  
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276 **SUGGESTED MOTIONS**

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278 **Categorical Exemption**

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280 I move that the Planning Commission direct Staff to file a Notice of Exemption for the  
281 Project pursuant to Section 15332 of the CEQA.

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283 **Conditional Use Permit**

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285 I move that the Planning Commission adopt Resolution PC 2009-18 approving Conditional  
286 Use Permit (U 2009-01) to allow offices, storage and warehousing of goods associated  
287 with his business, Cal Mart, a resident serving business located on an adjacent parcel.  
288 The proposed offices, storage and warehousing use(s) will occur within the existing  
289 structures located at 1311 Fair Way (APN 011-204-009) within the “CC-DD”, Community  
290 Commercial – Design District, based upon the Findings presented in the staff report and  
291 subject to conditions of approval.

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293 **NOTE:** The applicant or any interested person is reminded that the Calistoga Municipal  
294 Code provides for a ten (10) calendar day appeal period. If there is a disagreement with  
295 the Planning Commission, an appeal to the City Council may be filed. The appropriate  
296 forms and applicable fee must be submitted prior to 5:00 p.m. on or before the tenth  
297 calendar day following the Commission's final determination.

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299 **ATTACHMENTS**

- 300  
301 1. Draft Conditional Use Permit Resolution PC 2009-18  
302 2. Project Plans received by the Planning and Building Department on April 15, 2009  
303 3. Napa County Department of Environmental Management Memo of Approval  
304 dated June 9, 2009