

## RESOLUTION NO. 2010- \_\_\_\_\_

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4 **RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL DENYING AN APPEAL (A 2009-03)**  
5 **AND SUSTAINING THE PLANNING COMMISSION'S DECISION TO APPROVE A CONDITIONAL**  
6 **USE PERMIT (U 2009-13) AND DESIGN REVIEW (DR 2009-03) ALLOWING: (1)**  
7 **ESTABLISHMENT OF OPERATIONAL PARAMETERS FOR THE EXISTING GAS STATION AND**  
8 **CONVENIENCE MARKET USES; (2) INSTALLATION OF CANOPIES OVER THE EXISTING FUEL**  
9 **PUMP ISLANDS; (3) CHANGE TO THE CORPORATE COLOR SCHEME OF SITE SIGNAGE AND**  
10 **THE FUEL DISPENSING PUMPS FROM YELLOW AND RED (SHELL) TO BLUE AND WHITE**  
11 **(CHEVRON); AND (4) INSTALLATION OF NEW CORPORATE SIGNAGE AT THE GAS STATION**  
12 **LOCATED AT 1108 LINCOLN AVENUE (APN 011-254-003) WITHIN THE "DC-DD", DOWNTOWN**  
13 **COMMERCIAL-DESIGN DISTRICT OVERLAY ZONING DISTRICT**  
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16 **WHEREAS**, on July 9, 2009, an application was submitted by Technical Studies, Inc., to install  
17 fueling canopies and change the corporate identity / color scheme of the subject gasoline service  
18 station; and  
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20 **WHEREAS**, the Planning Commission reviewed and considered this application at its regular  
21 meetings on August 12, 2009, and December 9, 2009, and prior to taking action on the application,  
22 the Commission received written and oral reports from staff and received written and oral testimony  
23 from the public. After consideration of the proposal, the Planning Commission adopted PC Resolution  
24 2009-20 approving Conditional Use Permit U-2009-13 and Design Review DR 2009-03, subject to  
25 twelve (12) Conditions of Approval; and  
26

27 **WHEREAS**, on December 18, 2009, Ms. Yasmin Ali filed an appeal of the Planning  
28 Commission's action to the City Council; and  
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30 **WHEREAS**, the City Council reviewed the request for an appeal at its regularly scheduled  
31 meeting of January 19, 2010, and took action to schedule a public hearing to consider the appeal at  
32 its regularly scheduled meeting of February 16, 2010; and  
33

34 **WHEREAS**, a public notice of the City Council public hearing of February 16, 2010, to  
35 consider appeal of the Planning Commission's decision to approve Conditional Use Permit U 2009-13  
36 and Design Review DR 2009-03 was published in the local newspaper, sent to neighboring property  
37 owners and interested persons, and posted on the City's web site; and  
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39 **WHEREAS**, the City Council reviewed the appeal during its regularly scheduled meeting on  
40 February 16, 2010. During its review the Council considered the public record of the August 12, 2009  
41 and December 9, 2009, Planning Commission meetings, including the staff report, findings, minutes,  
42 and written materials presented by the appellant; and  
43

44 **WHEREAS**, the City Council has reviewed and affirms the Planning Commission's  
45 determination that the project is Categorically Exempt from the requirements of CEQA pursuant to  
46 Section 15303 of the CEQA Guidelines; and  
47

48 **WHEREAS**, the City Council, pursuant to Chapter 17.40, has made the following Conditional  
49 Use Permit findings for the project:  
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- 51 1. The proposed development, together with any provisions for its design and  
52 improvement, is consistent with the General Plan, any applicable specific plan and  
53 other applicable provisions of the Zoning Code including the finding that the use as  
54 proposed is consistent with the historic, rural, small-town atmosphere of Calistoga.  
55

56 FINDING: The Land Use Element of the City's General Plan calls for commercial  
57 development to be focused in the downtown area. The proposed project will facilitate retention  
58 of an existing commercial business in the downtown area and is consistent with this policy.  
59 The project has incorporated architectural elements that are consistent with the historic, rural,  
60 small-town atmosphere of Calistoga. The proposed design achieves the objective of  
61 presenting a "country town" appearance and is appropriate for its location in an entry corridor.  
62

63 2. The site is physically suitable for the type and density of development.  
64

65 FINDING: The subject site is located in a commercial district and is currently developed with a  
66 gasoline service station and convenience store. The proposed site improvements are  
67 appropriate for the current use of the property and are well within the allowable site coverage  
68 and FAR standards. Adequate off-street parking and public services exist to serve the site.  
69

70 3. The proposed development has been reviewed in compliance with the California  
71 Environmental Quality Act (CEQA) and the project will not result in detrimental or  
72 adverse impacts upon the public resources, wildlife or public health, safety and welfare.  
73

74 FINDING: The proposed project is Categorically Exempt from the requirements of the  
75 California Environmental Quality Act (CEQA) pursuant to Section 15303 (Construction of Small  
76 Structures) of the CEQA Guidelines.  
77

78 4. Approval of the use permit application will not cause adverse impacts to maintaining an  
79 adequate supply of public water and an adequate capacity at the wastewater treatment  
80 facility.  
81

82 FINDING: The City's water system and wastewater treatment facility is adequate to serve this  
83 project.  
84

85 5. Approval of the use permit application shall not cause the extension of service mains  
86 greater than 500 feet.  
87

88 FINDING: Approval of this use permit application shall not cause the extension of service  
89 mains greater than 500 feet.  
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91 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC  
92 (Resource Management System) shall be made prior to project approval. Said  
93 allocation shall be valid for one year and shall not be subject to renewal.  
94

95 FINDING: The proposed improvements will not result in the need for additional water or  
96 wastewater allocations. The current allocation for water and wastewater is sufficient to  
97 accommodate current uses on the property.  
98

99 7. The proposed development presents a scale and design which are in harmony with the  
100 historical and small-town character of Calistoga.  
101

102 FINDING: The design of the proposed project is in harmony with the historic and small-town  
103 character of Calistoga. Gabled roof lines, horizontal siding and brick veneer are common  
104 architectural elements found in the area that have been incorporated into the design for the  
105 purpose of reflecting rural Calistoga.  
106

- 107 8. The proposed development is consistent with and will enhance Calistoga's history of  
108 independent, unique, and single location businesses, thus contributing to the  
109 uniqueness of the town, which is necessary to maintain a viable visitor industry in  
110 Calistoga and to preserve its economy.

111  
112 FINDING: The proposed project serves to retain an existing resident and visitor serving  
113 business in the central area of town. Although the proposal involves a change in corporate  
114 vendor (Shell to Chevron), the proposed site improvements have been designed to be unique  
115 to Calistoga and is a distinct departure from the corporation's typical national design scheme.  
116

- 117 9. The proposed development complements and enhances the architectural integrity and  
118 eclectic combination of architectural styles of Calistoga.  
119

120 FINDING: Application of horizontal siding and brick veneer to the exterior of the building will  
121 update the existing look of the Streamline Moderne style building while keeping in character  
122 with surrounding architecture. The proposed design and application of materials successfully  
123 establishes a sense of architectural cohesion and continuity between the building and the  
124 canopy structures. Collectively, these design features will enhance the architectural integrity  
125 of the building and compliment the eclectic mix of architectural styles found in Calistoga.  
126

127 and;

128  
129 **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 of the Calistoga  
130 Municipal Code has made the following findings for Design Review approval (DR 2009-03):  
131

- 132 1. The design shall be compatible with the existing development pattern with regard to  
133 massing, scale, setbacks, color, textures, materials, etc.  
134

135 FINDING: The two canopy structures will be of a scale and design that is appropriate for their  
136 intended use. The canopy structures and façade improvements incorporate materials and  
137 architectural features that are appropriate given the site's location in an entry corridor. The  
138 proposed color scheme is more subtle than the current color scheme and is compatible with  
139 the existing development pattern in the project vicinity and Calistoga as a whole. As designed,  
140 the addition of the canopy structures will reinforce the intersection as a service commercial  
141 area.  
142

- 143 2. The design shall result in an appropriate site layout, orientation, and location of  
144 structures, relationship to one another, open spaces and topography.  
145

146 FINDING: The placement of the canopy structures has been guided by the location of the  
147 existing fuel dispensing islands. The size of the canopies has been reduced so that they do  
148 not extend over the outer drive aisles of the fuel pump islands, minimizing perceived mass.  
149 The use of gabled roofs in place of the originally proposed wide fascia / parapet roof will also  
150 help to reduce the perceived mass of the canopy structures.  
151

- 152 3. The design shall provide a harmonious relationship of character and scale with existing  
153 and proposed adjoining development, achieving complementary style, while avoiding  
154 both excessive variety and monotonous repetition.  
155

156 FINDING: The proposed canopy structures will be of a height and scale that is comparable to  
157 the existing fueling canopies at the Union 76 station across the street from the subject site.

158 Repetitious form will be avoided as the proposed canopies present an enclosed gable roof  
159 (versus the exposed understructure of the gable roof at the 76 station). The canopies are  
160 located away from adjoining properties which will help to minimize visual impacts on adjoining  
161 development. Further, a condition of approval requiring certain lighting modifications will also  
162 minimize potential impacts to adjoining properties.

163  
164 4. The building design, materials, colors and textures shall be compatible and appropriate  
165 to Calistoga, and the architectural design or structures and their materials and colors  
166 shall be appropriate to the function of the project.

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168 FINDING: The materials, colors and textures of the new canopy structures are compatible  
169 with colors and materials used for similar uses in Calistoga and are appropriate to the function  
170 of the project. The application of materials successfully establishes a sense of architectural  
171 cohesion and continuity between the building and the canopy structures.

172  
173 5. The design shall provide for harmony of materials, colors, and composition of those  
174 sides of a structure, which are visible simultaneously.

175  
176 FINDING: Proposed materials, colors and architectural treatment have been applied in a  
177 manner that will create visual harmony from any vantage point where multiple building sides  
178 can be viewed simultaneously.

179  
180 6. The design shall provide consistency of composition and treatment.

181  
182 FINDING: The proposed design provides consistency in architectural composition and  
183 treatment through four-sided application of primary building materials, coloring, trim and other  
184 architectural features and embellishments.

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186 7. The design shall consider the location and type of planting with regard to valley  
187 conditions, including the preservation of specimen and landmark trees upon a site with  
188 proper irrigation to insure water conservation and maintenance of all plant materials.

189  
190 FINDING: The area of landscaping shown on the site plan will be planted with appropriate  
191 planting materials and will be properly irrigated to maintain the health of planted materials.

192  
193 8. The exterior lighting, design, signs and graphics shall be compatible with the overall  
194 design approach and appropriate for the setting.

195  
196 FINDING: New exterior lighting is proposed under each canopy structure. As conditioned,  
197 potential impacts from light and glare will be minimized through a restriction on the number of  
198 lighting fixtures and installation of shields to direct light downward or use of low spread /  
199 focused beam lighting fixtures.

200  
201 9. The design shall provide for improvement of existing site conditions, including but not  
202 limited to signage, landscaping, lighting, etc., to achieve closer compliance with current  
203 standards.

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205 FINDING: The proposed design will improve existing site conditions by: (1) improving the  
206 appearance of the existing building and adjoining storage containers, (2) using base materials  
207 and less intrusive colors that will serve as a unifying element between the building and canopy  
208 structures, and (3) adding landscape planting beds to screen exposed / blank facades.

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10. The design promotes a high design standard and utilizes quality materials compatible with the surrounding development consistent with and appropriate for the nature of the proposed use.

FINDING: As described in the above findings, the proposed design features and materials are compatible with development in the surrounding area and will compliment the eclectic mix of architectural styles found in Calistoga.

11. The design presents a responsible use of natural and reclaimed resources.

FINDING: Installation of the proposed canopy structure will have the benefits of shading of large paved areas of the site and reducing stormwater pollutants that enter into the river through protection of the fueling areas from exposure to rainwater.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Calistoga City Council hereby denies Appeal A 2009-03 and sustains the Planning Commission's decision to approve a Conditional Use Permit (U 2009-13) and Design Review (DR 2009-03) allowing: (1) establishment of operational parameters for the existing gas station and convenience market uses; (2) installation of canopies over the existing fuel pump islands; (3) change to the corporate color scheme of site signage and the fuel dispensing pumps from yellow and red (Shell) to blue and white (Chevron); and (4) installation of new corporate signage at the gas station located at 1108 Lincoln Avenue (APN 011-254-003) within the "DC-DD", Downtown Commercial-Design District overlay zoning district, based on the above findings and subject to the following twelve (12) conditions of approval:

1. This permit authorizes the operation of a corporate gasoline service station and convenience food and beverage market within an existing 1,655 square-foot commercial space located at 1108 Lincoln Avenue. This permit supersedes the previously approved conditional use permit for the convenience market (Conditional Use Permit 84-10). The uses authorized by this permit shall substantially conform to the project description submitted by the applicant and the site plans stamped "PC APPROVED 12-9-09", except as modified by the provisions and conditions below. The gasoline service station and convenience food and beverage market uses authorized under this permit include the following components:
  - A. A 1,080 square foot commercial building consisting of a retail food and beverage market, cashier's counter, office, janitorial storage room and restroom.
  - B. A walk-in storage cooler approximately 242 square feet in size.
  - C. A storage container approximately 333 square feet in size.
  - D. Two fueling islands with four fueling dispensers.
  - E. Two 15,000 gallon underground storage tanks.
  - F. Seven on-site parking spaces for employee and customer parking.

This permit also authorizes improvements to the exterior of the existing building and storage containers and installation of two canopies over the fuel islands. Exterior improvements shall conform to the improvement plans stamped "PC APPROVED 12-9-09", and shall be carried out at the time the canopies are installed. Earth tone base and trim colors shall be used on

260 the building and canopy structures. The canopy structures shall conform to the design and  
261 location shown on the plans stamped "PC APPROVED 12-9-09", and comply with the  
262 following specifications:

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- 264 G. The overhang of the canopy structure located adjacent to Lincoln Avenue shall maintain  
265 a minimum setback of 8 feet from the site's Lincoln Avenue property line.
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- 267 H. The overhang of the canopy structure located adjacent to Foothill Boulevard shall  
268 maintain a minimum setback of 9 feet from the site's Foothill Boulevard property line.
- 269
- 270 I. The height of each canopy structure shall not exceed 17 feet as measured from existing  
271 grade to the mid-point of the gable. The gable peak shall be no higher than 20 feet from  
272 existing grade.
- 273

274 The Planning and Building Department may approve minor amendments to this permit  
275 provided that the permit is still in substantial conformance with the original approval. Any  
276 future exterior alterations, expansion or other new construction or modifications shall be  
277 subject to City review and approval.

278

279 2. The following corporate identify modifications and additions (Shell to Chevron) are authorized  
280 by this permit:

- 281
- 282 A. Replacement of the corporate logo on the existing monument sign located near the  
283 corner of Lincoln Avenue and Foothill Boulevard. Design enhancements to the existing  
284 monument sign, subject to review and approval by the Director of Planning and Building,  
285 shall be incorporated prior to or concurrent with the installation of the new corporate logo  
286 sign.
- 287
- 288 B. Replacement of the corporate "jackets" on each existing fuel pump and replacement of  
289 the overhead fuel pump spanner. Spanners shall remain non-illuminated.
- 290
- 291 C. Addition of two corporate hallmark signs (with small letter wordmark), each no larger  
292 than 3.3 square feet in size. The design and placement of the hallmark signs shall  
293 conform to the improvement plans stamped "PC APPROVED 12-9-09". The hallmark  
294 signs shall not be illuminated from the interior or exterior.
- 295
- 296 D. Addition of one non-illuminated box letter "Food Mart" sign, no larger than 22 square feet  
297 in size, on the north (Lincoln Avenue) facing façade of the existing convenience market  
298 building.
- 299

300 3. No more than two lighting fixtures shall be installed on each canopy. Installed lighting shall be  
301 shielded so not to spill over on adjacent properties and directed downward. Use of low spread  
302 / focused lighting fixtures is encouraged. Use of the accent lighting fixtures affixed to the  
303 canopy support columns to reflectively light the fueling areas may be allowable subject to  
304 review and approval by the Planning and Building Director.

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306 4. The landscape planting areas and plant materials shall be installed at the time the canopy  
307 structures are installed and shall conform to the improvement plans stamped "PC APPROVED  
308 12-9-09".

309

310 5. The applicant agrees to obtain a Building Permit for all improvements located on the site, not

311 otherwise exempt by the Uniform Building Code or any State or local amendment adopted  
312 thereto. Prior to issuance of all building permits, the applicant agrees to pay all fees  
313 associated with plan check and building inspections, and associated development impacts  
314 fees rightfully established by City Ordinance or Resolution.  
315

316 6. All necessary permits shall be obtained from applicable Federal, State and County agencies  
317 having jurisdiction over this project prior to commencement of any operations. Plans, designed  
318 by a licensed architect or engineer, which indicate accessibility and energy compliance shall  
319 be provided to the Building Department.  
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321 7. Where applicable, energy compliance measures shall be incorporated as part of the planned  
322 improvements as required per Title 24 Energy requirements.  
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324 8. An Encroachment Permit from the California Department of Transportation (CalTrans) shall be  
325 obtained prior to commencement of any work that encroaches onto State right-of-way.  
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327 9. The permit holder shall permit the City of Calistoga or representative(s) or designee(s) to  
328 make periodic inspections at any reasonable time deemed necessary in order to assure that  
329 the activity being performed under authority of this permit is in accordance with the terms and  
330 conditions prescribed herein.  
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332 10. The Planning Commission may revoke the permit in the future if the Commission finds that the  
333 use to which the permit is put is detrimental to the health, safety, comfort and welfare of the  
334 public, or constitutes a nuisance.  
335

336 11. This approval shall be null and void if not used by February 16, 2011.  
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338 12. The operational hours of the convenience food and beverage market shall be limited to the  
339 hours between 4:00 a.m. and 12:00 a.m.  
340

341 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calistoga at a  
342 regular meeting held this \_\_\_\_\_ day of February 2010, by the following vote:  
343

344 AYES:

346 NOES:

348 ABSTAIN/ABSENT:  
349

\_\_\_\_\_  
JACK GINGLES, Mayor

353 ATTEST:

354 \_\_\_\_\_  
355  
356 SU SNEDDON, City Clerk  
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