

CITY OF CALISTOGA
STAFF REPORT

TO: CHAIRMAN MANFREDI AND PLANNING COMMISSIONERS

FROM: KENNETH G. MACNAB, SENIOR PLANNER

MEETING DATE: NOVEMBER 10, 2010

SUBJECT: DESIGN REVIEW (DR 2010-03) – COMFORT INN MONUMENT SIGN AT 1865 LINCOLN AVENUE (APN 011-062-010)

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2 **REQUEST:**
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4 Consideration of a request for Design Review approval by Amar Patel, on behalf of
5 Comfort Property, LLC, to replace the existing “Lodge at Calistoga” monument sign with
6 a “Comfort Inn” monument sign on property located at 1865 Lincoln Avenue (APN 011-
7 062-010) within the “CC-DD” Community Commercial-Design District. This proposed
8 action is exempt from the California Environmental Quality Act (CEQA) under Section
9 15311 of the CEQA Guidelines.

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11 **BACKGROUND:**
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13 The subject hotel originally opened as a Comfort Inn in 1986. The Comfort Inn is part of
14 the Choice Hotels International family of hotels and is considered a formula visitor
15 accommodation. At the time the hotel was established the City had no regulations
16 pertaining to formula businesses. Since then, the City has adopted a number of
17 regulatory changes related to franchise businesses that effectively made the Comfort
18 Inn a legally non-conforming use. These actions include adoption of formula business
19 regulations in 1996, amendment of the formula business regulations in 2000, and
20 adoption of the Community Commercial Zoning District in 2004, which specifically
21 prohibits the establishment of formula business visitor accommodations.

22
23 In 2007, the subject hotel changed its name from “Comfort Inn” to “The Lodge at
24 Calistoga – A Clarion Collection Hotel” and replaced the original Comfort Inn sign with a
25 new sign. Although the hotel’s name changed, the hotel operator retained its affiliation
26 with the Choice Hotels International family of hotels (as a “Clarion Collection” brand
27 hotel). However, the new sign did not exhibit any standardized design elements (e.g.,
28 corporate logos, fonts/lettering, color schemes or geometry) that were characteristic of
29 other Clarion Collection hotels in the region.

30
31 The Planning and Building Department has received an application from Amar Patel to
32 remove the existing “Lodge at Calistoga – A Clarion Collection Hotel” sign and restore
33 the “Comfort Inn” sign. The request to restore the Comfort Inn brand and install

34 corresponding signage is being made in response to the discontinuation of the Clarion
35 Collection brand by Choice Hotels International. In order to continue to participate as a
36 member of Choice Hotels' room reservation system, the hotel operator must select a
37 Choice Hotel brand to affiliate with (in accordance with their franchise agreement).
38 Otherwise, the operator will no longer have access to Choice's international reservation
39 system which would have a significant consequence on hotel bookings.

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41 **STAFF ANALYSIS & DISCUSSION:**

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43 There are two key questions to be considered in reviewing the applicant's request to
44 install a Comfort Inn sign: (1) has the hotel retained its non-conforming right to operate
45 as a formula visitor accommodation; and (2) would permitting installation of the
46 proposed sign be in conflict with provisions of the Community Commercial Zoning
47 District that prohibit formula visitor accommodations. The definition of formula visitor
48 accommodation is stated in Section 17.04.639 of the Calistoga Municipal Code (CMC):

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50 "Formula visitor accommodations" shall mean a business primarily
51 devoted to providing transient occupancy to nonresidents, the use of
52 which is subject to the transient occupancy tax (TOT), including, but not
53 limited to, bed and breakfast inns and facilities, inns, hotels, motels, and
54 spa and health resorts, and which, by contractual or other arrangement,
55 established or recognized business practice, or membership affiliation,
56 maintains any of the following:

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58 A. Business name common to a similar business located elsewhere;

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60 B. Standardized services or uniforms common to a similar business
61 located elsewhere;

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63 C. Interior decor common to a similar business located elsewhere;

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65 D. Architecture, exterior design, or signs common to a similar business
66 located elsewhere;

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68 E. Use of a trademark or logo common to a similar business located
69 elsewhere (but not including logos or trademarks used by
70 chambers of commerce, better business bureaus, or indicating a
71 rating organization including, but not limited to, AAA, Mobile or
72 Michelin); or

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74 F. A name, appearance, business presentation or other similar
75 features, which make the business substantially identical to another
76 business within or outside Calistoga. (Ord. 567 § 3, 2000; Ord. 519
77 § 3, 1996).

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Non-Conforming Rights

Pursuant to Section 17.44.020 of the CMC, non-conforming uses that are discontinued for a period of 180 days cannot be re-established. In evaluating whether the hotel has maintained a non-conforming right to operate as formula visitor accommodation, staff notes the following:

- A. Has the business maintained a business name common to a similar business located elsewhere?

Response:

No. In 2007, the hotel changed its name from “Comfort Inn” to “The Lodge at Calistoga – A Clarion Collection Hotel”. The current name of the business is not similar to businesses located elsewhere.

- B. Has the business maintained standardized services or uniforms common to a similar business located elsewhere?

Response:

Yes. The applicant has stated that standardized services and staff uniforms have remained unchanged since the hotel changed its name in 2007.

- C. Has the business maintained interior decor common to a similar business located elsewhere?

Response:

Yes. The applicant has stated that the interior décor has remained unchanged since the hotel changed its name in 2007.

- D. Architecture, exterior design, or signs common to a similar business located elsewhere;

Response:

No. The current design and architecture of the hotel and its current signage are not similar to businesses that are located elsewhere. The previous Comfort Inn sign was similar to signs used by businesses elsewhere, but that sign was removed in 2007 (more than 180 days ago).

- E. Use of a trademark or logo common to a similar business located elsewhere (but not including logos or trademarks used by chambers of commerce, better business bureaus, or indicating a rating organization including, but not limited to, AAA, Mobile or Michelin); or

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Response:

No. The “Lodge at Calistoga – A Clarion Collection Hotel” sign does not have a trademark or logo that is similar to businesses located elsewhere. The previous Comfort Inn sign did exhibit trademark characteristics that were similar to signs used by businesses elsewhere, but that sign was removed in 2007 (more than 180 days ago).

- F. A name, appearance, business presentation or other similar features, which make the business substantially identical to another business within or outside Calistoga.

Response:

No. The current name and exterior appearance of the hotel are different from other businesses in the area (see Comments under D and E). It is possible that some or all of the standardized services, interior décor and staff uniforms are similar to those used by business elsewhere.

Staff finds that the operator may have maintained non-conforming rights to interior décor, standardized services and staff uniforms that are similar to those used by businesses located elsewhere. However, non-conforming rights to signage, trademarks and logos or other exterior design elements that are similar to those used by businesses located elsewhere do not appear to have been maintained. Given that some non-conforming aspects have been maintained and others have not, the question then becomes: does maintaining some non-conforming aspects of a formula visitor accommodation entitle the operator to re-institute other non-conforming aspects that have not been maintained? Staff’s opinion is that it does not.

Consistency with CC Zoning District Regulations

Section 17.22.060(D)(3) states that formula visitor accommodations are a prohibited use in the Community Commercial Zoning District. According to Section 17.04.639(D) of the CMC, a hotel is considered a formula visitor accommodation if, among other things, it maintains a name and/or signage that is similar to businesses located elsewhere. Because the “Lodge at Calistoga – A Clarion Collection Hotel” sign does not maintain a name or characteristics that are common to other Clarion Collection signs in the region, the operator has lost their non-conforming rights to display formula visitor accommodation signage. Therefore, the proposed sign must be designed to differentiate itself from signs used by businesses located elsewhere. Otherwise, the sign would be in conflict with the provisions of the Community Commercial Zoning District.

The proposed sign design (Attachment 2) includes elements similar to other Comfort Inn Hotels in the region (logo, font/typestyle). However, several design modifications have

166 been incorporated that distinguish it from other Comfort Inn signs that exist elsewhere in
167 the region. These modifications include:

- 168
- 169 1. Use of an off-white background instead of the corporate blue
170 background;
 - 171
 - 172 2. Use of blue lettering instead of white lettering; and
 - 173
 - 174 3. Inclusion of a sign “rider” that reads “Napa Valley Wine Country”
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176 Staff believes that the modifications noted above do effectively distinguish this particular
177 sign from the typical Comfort Inn sign found in the region.

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179 With regard to the name, Comfort Inn is a name that that is used by businesses
180 elsewhere. The applicant has tried to make a distinction by including the phrase “Napa
181 Valley Wine Country” as part of the hotel name.

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183 **FINDINGS:**

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185 Section 17.06.040 of the CMC sets forth the required findings for design review
186 approval. These findings are discussed below:

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- 188 A. *The extent to which the proposal is compatible with the existing development*
189 *pattern with regard to massing, scale, setbacks, color, textures, materials, etc.;*

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191 Response: The massing, scale, setback, color, texture and material of the sign
192 are compatible with existing uses and development patterns in the area. The
193 size and scale of the proposed sign is generally the same as the existing sign.

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- 195 B. *Site layout, orientation, location of structures, relationship to one another, open*
196 *spaces and topography;*

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198 Response: The location and orientation of the sign will not change as a result of
199 this application.

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- 201 C. *Harmonious relationship of character and scale with existing and proposed*
202 *adjoining development, achieving complementary style while avoiding both*
203 *excessive variety and monotonous repetition;*

204

205 Response: The proposed sign is complementary in style to the existing structures
206 on the property and will not result in an excessive repetition of one particular sign
207 type or design.

208

209 D. *Building design, materials, colors and textures that are compatible and*
210 *appropriate to Calistoga. Whether the architectural design of structures and their*
211 *materials and colors are appropriate to the function of the project;*

212
213 Response: The proposed sign utilizes materials, colors and textures that are
214 compatible with the character of Calistoga. The proposed sign is appropriate to
215 the nature and context of the use and area in which it is located.

216
217 E. *Harmony of materials, colors, and composition of those sides of a structure,*
218 *which are visible simultaneously;*

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220 Response: This project involves a sign. Therefore, this finding is not applicable.

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222 F. *Consistency of composition and treatment;*

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224 Response: This project involves a sign. Therefore, this finding is not applicable.

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226 G. *Location and type of planting with regard to valley conditions. Preservation of*
227 *specimen and landmark trees upon a site, with proper irrigation to insure water*
228 *conservation and maintenance of all plant materials;*

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230 Response: No significant plantings are proposed. Therefore, this finding is not
231 applicable.

232
233 H. *Whether exterior lighting, design signs and graphics are compatible with the*
234 *overall design approach and appropriate for the setting;*

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236 Response: No change in lighting is proposed as part of this application.

237
238 I. *The need for improvement of existing site conditions including but not limited to*
239 *signage, landscaping, lighting, etc., to achieve closer compliance with current*
240 *standards;*

241
242 Response: The proposed sign meets all applicable design standards. No need
243 for future improvement is warranted.

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245 J. *Whether the design promotes a high design standard and utilizes quality*
246 *materials compatible with the surrounding development consistent with and*
247 *appropriate for the nature of the proposed use;*

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249 Response: The proposed design upholds community aesthetics through the use
250 of an internally consistent, integrated design theme and is appropriate for the
251 nature of the proposed use.

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253 K. *Responsible use of natural and reclaimed resources.*

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255 Response: Materials will be reused to the maximum extent practicable for the
256 proposed sign.

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258 **ENVIRONMENTAL REVIEW:**

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260 Staff has determined that the proposed project is Categorically Exempt from the
261 requirements of the California Environmental Quality Act (CEQA) pursuant to Section
262 15311 of the CEQA Guidelines.

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264 **RECOMMENDATIONS:**

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266 Staff recommends that the Planning Commission:

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268 A. File a Notice of Exemption for the Design Review pursuant to Section 15311 of the
269 CEQA Guidelines.

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271 B. Approve Design Review (DR 2010-03) to allow replacement of the existing
272 monument sign with a Comfort Inn sign, based upon the above findings and
273 subject to conditions of approval.

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275 **SUGGESTED MOTIONS:**

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277 Categorical Exemption

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279 I move that the Planning Commission direct Staff to file a Notice of Exemption for the
280 Project pursuant to Section 15311 of the CEQA Guidelines.

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282 Design Review

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284 I move that the Planning Commission adopt PC Resolution 2010-18 approving Design
285 Review (DR 2010-03) to allow replacement of the existing “Lodge at Calistoga”
286 monument sign with a “Comfort Inn” monument sign on property located at 1865 and
287 Lincoln Avenue (APN 011-062-010) within the “CC-DD”, Community Commercial -
288 Design District, subject to the findings presented in the Staff Report and conditions of
289 approval.

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291 **ATTACHMENTS:**

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- 293 1. Vicinity Map
- 294 2. Draft Design Review Resolution PC 2010-18
3. Sign Plans dated October 27, 2010