

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2011-10**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2011-06) ALLOWING
RETAIL WINE SALES, INCLUDING WINE TASTING AND WINE EDUCATION IN AN
EXISTING 1,200 SQUARE FOOT COMMERCIAL SPACE LOCATED AT 1367
LINCOLN AVENUE (APN 011-221-015) WITHIN THE "DC-DD", DOWNTOWN
COMMERCIAL-DESIGN DISTRICT ZONING DISTRICT**

1 **WHEREAS**, Hemberger II LLC is the owner of the subject property for which this
2 application is proposed; and

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4 **WHEREAS**, T'Anne Butcher, manager of W.H. Smith Wine Sensory Experience
5 is the applicant of the subject use for which this application is proposed; and

6
7 **WHEREAS**, this action has been reviewed for compliance with the California
8 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
9 pursuant to Section 15332 of the CEQA guidelines; and

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11 **WHEREAS**, the Planning Commission has reviewed and considered this
12 application at its regular meeting on April 13, 2011 and prior to taking action on the
13 application, the Commission received written and oral reports by the Staff, and received
14 public testimony; and

15
16 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made
17 the following Conditional Use Permit findings for the project:

- 18
19 1. The proposed development, together with any provisions for its design and
20 improvement, is consistent with the General Plan, any applicable specific plan
21 and other applicable provisions of the Zoning Code including the finding that the
22 use as proposed is consistent with the historic, rural, small-town atmosphere of
23 Calistoga.

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25 FINDING: The property is located within the Downtown Commercial land use
26 designation and the "DC-DD", Downtown Commercial-Design District overlay
27 zoning district. The proposed use is consistent with the policies, objectives and
28 actions of the General Plan and will comply with the applicable provisions of the
29 Zoning Ordinance.

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

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33 FINDING: The proposed retail business will be located in an existing commercial
34 space wherein interior facilities and improvements are suitable for the proposed
35 use.

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

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42 FINDING: This project is exempt from CEQA under Section 15332.

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44 4. Approval of the use permit application will not cause adverse impacts to
45 maintaining an adequate supply of public water and an adequate capacity at the
46 wastewater treatment facility.

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48 FINDING: No adverse impacts to water and wastewater will occur as a result of
49 this project. Provided no glassware is washed on the premises, the current
50 allocation for water and wastewater is sufficient to accommodate the proposed
51 retail wine sales, tasting and educational use.

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53 5. Approval of the use permit application shall not cause the extension of service
54 mains greater than 500 feet.

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56 FINDING: This use will not result in an extension of an existing service main.

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

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62 FINDING: A new allocation for water and/or wastewater service is not required
63 for the proposed use. No increase in water consumption or wastewater
64 generation is anticipated by this proposal (see response under No. 4 above).

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66 7. The proposed development presents a scale and design which are in harmony
67 with the historic and small-town character of Calistoga.

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69 FINDING: The owner is only proposing minor alterations to the interior of the
70 building. All exterior materials, paint colors, trim, moldings, and other decoration
71 will remain the same. The proposed alterations will not result in a scale of
72 development that is different from what currently exists or that is different from
73 the character of surrounding development.

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

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80 FINDING: The architectural design, location, height and size of the structure will
81 retain the character of the community by preserving the existing architectural
82 features and layout of the property.

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

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87 FINDING: No exterior physical changes will occur to the exterior of any buildings
88 on the site as a result of this application (see response under No. 8 above).

89

90 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
91 Commission that based on the above Findings the Planning Commission approves the
92 proposed project, subject to the following Conditions of Approval.
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94 1. This permit authorizes retail wine sales, including wine tasting and wine
95 education in an existing 1,200 square foot commercial space at 1367 Lincoln
96 Avenue. The use shall substantially conform to the project description submitted by
97 the applicant and the site plan dated March 9, 2011, except as noted in the permit
98 conditions. The Planning and Building Department may approve minor
99 amendments to this use permit provided that the permit is still in substantial
100 conformance with the original approval. No outdoor seating or live music is
101 permitted as part of this permit. Any future exterior alterations, expansion or
102 other new construction shall be subject to Design Review approval.
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104 2. The applicant agrees to submit an application for Building Permit for all
105 improvements located on the site, not otherwise exempt by the Uniform Building
106 Code or any State or local amendment adopted thereto. Prior to issuance of all
107 building permits, the applicant agrees to pay all fees associated with plan check
108 and building inspections, and associated development impacts fees rightfully
109 established by City Ordinance or Resolution.
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111 3. All necessary permits shall be obtained from applicable Federal, State and County
112 agencies having jurisdiction over this project prior to commencement of any
113 operations. Plans, designed by a licensed architect or engineer, which indicate
114 accessibility and energy compliance shall be provided to the Building Department.
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116 4. No outdoor storage of equipment and/or materials associated with the use shall
117 be permitted beyond that which is authorized by the appropriate sections of the
118 Calistoga Municipal Code pertaining to outdoor storage or as specified herein.
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120 5. All uses involving the use or storage of combustible, explosive, caustic or
121 otherwise hazardous materials shall comply with all applicable local, state and
122 federal safety standards and shall be provided with adequate safety devices.
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124 6. The operator shall obtain an operating permit through the Napa County
125 Environmental Management Department prior to commencing operation, unless
126 otherwise exempt from a permit.
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128 7. Prior to occupancy, smoke detectors shall be installed in all rooms.
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130 8. Prior to occupancy, a 5 lb. ABC fire extinguisher shall be installed. The fire
131 extinguisher shall be maintained in operating condition at all times.
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133 9. Prior to occupancy, interior signs shall be placed above all exits stating "THIS
134 DOOR SHALL REMAIN UNLOCKED DURING BUSINESS HOURS"
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136 10. All installed exterior signs shall be maintained in a clean and neat condition free
137 from graffiti, dirt, grease, chipped, faded or peeling paint, broken or inoperable
138 parts, or similar conditions that detract from the aesthetic quality of the
139 community.

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11. The applicant shall obtain a license from the State Department of Alcoholic Beverage Control prior to operation.
12. The permit holder shall permit the City of Calistoga or representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
13. The Planning Commission may revoke the permit in the future if the Commission finds that the use to which the permit is put is detrimental to the health, safety, comfort and welfare of the public, or constitutes a nuisance.
14. This permit shall be null and void if not used by April 13, 2012, or if the use is abandoned for a period of 180 days.

PASSED, APPROVED AND ADOPTED on April 13, 2014, by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT/ABSTAIN:

JEFF MANFREDI, CHAIRMAN

ATTEST: _____
Kathleen Guill
Secretary to the Planning Commission