

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

DATE: JULY 13, 2011

**SUBJECT: BEER AND WINE SERVICES – 1471 FIRST STREET
CONDITIONAL USE PERMIT (U 2011-09)**

REQUEST

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3 Consideration of a Conditional Use Permit application to establish retail wine sales,
4 including wine tasting in an existing 1,989 square foot mixed use space located at 1471
5 First Street (APN 011-204-012) within the “CC-DD”, Community Commercial-Design
6 District Overlay Zoning District. The property is developed with a residential structure
7 that is currently used for residential purposes and administrative offices for Beer and
8 Wine Services, Inc. This proposed action is exempt from the California Environmental
9 Quality Act (CEQA) under Section 15332 of the CEQA Guidelines.

BACKGROUND

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13 This matter was originally scheduled for Planning Commission consideration on June
14 22, 2011. Subsequent to introducing the item, the Applicant requested a continuance in
15 light of a Staff memorandum dated June 22, 2011 circulated to the Planning
16 Commission just prior to the meeting suggesting inclusion of a condition of approval
17 mandating that Ms. Anderson’s wine tasting facility pour only wines made from a
18 minimum 75% Napa Valley grapes.

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20 A complete project description can be found in the June 22, 2011 Staff Report,
21 Attachment 3.

STAFF ANALYSIS

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25 During the City Council’s meeting of June 21, 2011 Norma Tofanelli, a citizen spoke
26 under oral comments requesting that the City Council consider developing a winery
27 ordinance to regulate public wine tasting facilities operating under the Type 02 license
28 from ABC, among other wine sourcing regulations. Specifically, Ms. Tofanelli submitted
29 a letter dated June 21, 2011 from the Napa County Farm Bureau, Napa Valley
30 Grapegrowers and Napa Valley Vintners requesting the City mandate that wine tasting
31 facilities operating under the Type 02 license pour only wines made from a minimum

32 75% Napa Valley grapes. As a result, the City Council has directed Staff to schedule
33 this matter for discussion at an upcoming meeting of the City Council. The matter is
34 currently scheduled for Council discussion on July 19, 2011.

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36 Since this matter before the Planning Commission is preceding the City Council's
37 consideration of such a winery regulation, the Planning Commission could either: 1)
38 reject staff's suggestion to include the mandate that the wine tasting facility only pour
39 wines made from a minimum 75% Napa Valley grapes and approve the applicant's
40 request without this condition, 2) continue this matter subsequent to Council
41 consideration and/or clarification, or 3) incorporate a condition of approval in
42 anticipation of the regulation. For the Planning Commission's consideration, a
43 condition of approval could state:

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45 *"The wines for tasting and for sale must be made from a minimum of 75%*
46 *Napa Valley grapes and must be labeled Napa Valley or be sub-appellation*
47 *of the Napa Valley. Prior to initial operation, this wine tasting facility shall*
48 *provide a written statement demonstrating compliance with this condition."*

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50 This condition of approval regarding Napa Valley grape sourcing as been included
51 within draft Resolution PC 2011-14 (Attachment No. 2).

52 53 **GENERAL PLAN OF CONSISTENCY DETERMINATION**

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55 The General Plan is silent on the issue of off-site (or off-premise) winery tasting rooms
56 and offices. The General Plan does have numerous policies to support local serving
57 businesses in general. The suggested condition of approval is consistent with policies in
58 the City of Calistoga General Plan that support the local economy including:

59 60 Guiding Policies:

- 61 P1. The City shall encourage commercial development to incorporate local-serving
62 commercial and residential uses in the second story. [Objective LU-1.1]
63 P2. Tourism activities shall be regulated to minimize adverse impacts to other
64 segments of the economy, and the resident population. [Objective LU-1.2]

65 66 **CONDITIONAL USE PERMIT FINDINGS**

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68 To reduce repetition, all of the necessary findings are contained in the draft Resolution
69 PC 2011-14, see attachment No. 2.

70 71 **ENVIRONMENTAL REVIEW**

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73 Under the provisions of Section 15332, In-Fill Development, of the State Guidelines for
74 Implementation of the California Environmental Quality Act (CEQA) as stated below,
75 this project is found to be exempt from the environmental review requirements of

76 Chapter 19.10 of the Calistoga Municipal Code, implementing the California
77 Environmental Quality Act of 1970, as amended in that; 1) the proposal is consistent
78 with the General Plan and Zoning District, 2) the subject site is less than five acres and
79 is surrounding by urban uses, 3) approval of the project would not result in any
80 significant effects relating to traffic, noise, air quality or water quality, and 4) the site can
81 be adequately served by all required utilities and public services.

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83 **RECOMMENDATIONS**

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85 A. Based upon the above findings, staff recommends the filing of a Notice of
86 Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines.

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88 B. Based upon the above findings and pursuant to Section 17.06.020(B)(2) of the
89 Zoning Ordinance, staff recommends that the requirement for Design Review
90 approval be waived because there are no substantial design issues to be
91 reviewed.

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93 C. Based upon the above findings, staff recommends approval of a Conditional Use
94 Permit (U 2011-09) to allow retail wine sales, including wine tasting in an existing
95 mixed use space located at 1471 First Street (APN 011-204-012) within the "CC-
96 DD", Community Commercial-Design District.

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98 **SUGGESTED MOTIONS**

99 **Categorical Exemption**

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

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104 **Conditional Use Permit**

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106 I move that the Planning Commission adopt Resolution PC 2011-14 approving
107 Conditional Use Permit (U 2011-09) to allow retail wine sales, including wine tasting in
108 an existing mixed use space located at 1471 First Street (APN 011-204-012) within the
109 "CC-DD", Community Commercial-Design District, based upon the findings provided in
110 the Resolution and subject to conditions of approval.

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112 **ATTACHMENTS**

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- 114 1. Vicinity Map
- 115 2. Revised PC Resolution 2011-14
- 116 3. Napa County Farm Bureau, Napa Valley Grapegrowers and Napa Valley
117 Vintners dated June 21, 2011
- 118 4. Planning Commission Staff Report dated June 22, 2011

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