

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

DATE: JUNE 22, 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 AND PROJECT DESCRIPTION

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13 The subject property is developed with a residential structure built in 1963 of which
14 portions of have been converted to commercial use over time. First, in 2002 the City
15 allowed 1,000 square feet of commercial floor area for a personal service establishment
16 In 2006 the property was sold to Andrea Anderson, owner of Beer and Wine Services,
17 Inc. On February 17, 2006 the Planning and Building Department issued a building
18 permit to upgrade the occupancy of the building to an administrative office associated
19 with Beer and Wine Services, Inc who provides consulting services to the alcoholic
20 beverage industry related to the licensing of alcoholic beverages and compliance with
21 federal (TTB) and state (ABC) regulations. Beer and Wine Services, Inc provides
22 these services to local businesses in addition to those outside of California and the
23 United States.

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25 On May 10, 2011, an application was submitted by Andrea Anderson to expand her
26 existing business, to include wine tasting and retail sales. Initially the intention is to
27 provide existing licensed wineries an opportunity to showcase their wines to clients in
28 situations where they do not currently have an established tasting facility. This practice
29 is common and allowed under the Alcoholic Beverage Commission (ABC) licensing
30 requirements for Type 02, winegrowers. Although due to current licensing restrictions
31 and space restrictions, tastings will be by appointment only and clients will not overlap.

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33 Over time and depending upon success, tasting and sales may be opened to the public
34 upon obtaining the proper authorization from the City and ABC, as necessary. Retail
35 sales and tasting, both private and public, will generally occur seven days a week from
36 10 a.m. to 7:00 p.m.
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38 Each local ABC Department implements joint tasting rooms differently. The ABC office
39 in Santa Rosa expressed to staff that they require wine to be dispensed only from an
40 area exclusive to petitioner. In addition to these requirements, all licensed parties will
41 need to abide by joint tasting room laws; including must maintaining separate records of
42 all retail sales, and making them available at the tasting room for inspection during
43 business hours. If one licensee violates the ABC requirements, all parties licensed at
44 that premise may be held responsible. Ms. Anderson has indicated her knowledge of
45 these requirements and expressed that each winery would have a specifically reserved
46 space on the bar.

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48 The one bedroom apartment/owner's quarters will continue to exist.
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50 **STAFF ANALYSIS**

51 **A. Land Use**

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54 General Plan: The subject property has a General Plan land use designation of
55 Community Commercial. Objective LU-1.1, Page LU-39 of the Land Use Element in
56 the General Plan directs the City to ensure that new commercial development
57 enhances and maintains the vibrancy of the downtown. Implementing Policy P2 calls for
58 commercial development to be focused in the downtown area (where they are accessible
59 to residents and tourists). Implementing Policy P5 encourages infill development over
60 peripheral development. The proposed establishment is consistent with these General
61 Plan objectives and policies as it is located in close proximity to the downtown area and is
62 anticipated to contribute to the vibrancy and diversity of uses in the downtown area, and
63 is occupying an existing mixed use space.
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65 Zoning: The subject property is located within the "CC-DD", Community Commercial-
66 Design District. The CCC-DD zoning district implements the Community Commercial
67 General Plan land use designation. Section 17.22.060(B)(21) of the Zoning Ordinance
68 requires Use Permit approval by the Planning Commission for wine and liquor sales,
69 including tasting facilities. Compliance with the required findings for Use Permit
70 approval is discussed later in this staff report.
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72 Section 17.28.020 (B)(1) of the Design District overlay requires Design Review approval
73 for all uses requiring a Use Permit in the CC zoning district. Because there are no
74 proposed exterior modifications, there are no substantial design issues to be reviewed,
75 staff is recommending that the requirement for Design Review approval be waived per

76 Section 17.06.020(B)(2) of the Zoning Ordinance.

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78 **B. Parking**

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80 The Calistoga Municipal Code requires that; an office provide 1 space per 250 square
81 feet, a retail space provide 1 space per 200 square feet and a residence provide two
82 spaces. On February 17, 2006 the Property Owner paid \$8,810.62 toward parking fees
83 in-lieu of providing 7 parking spaces required for the wine related administrative offices
84 and care taker's quarters. Moreover, on January 18, 2011 the City Council adopted
85 Ordinance No. 673 establishing that additional off-street parking spaces and/or
86 payment of in-lieu parking fees by businesses moving into an existing commercial
87 space shall not be required if the deficiency is no more than 10 spaces or no more than
88 25% of the total required number of parking spaces, whichever is greater. As a result,
89 the proposed expansion of use is not required to provide any additional parking.

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91 **E. Growth Management**

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93 Given that this property has a residential baseline of 0.539 annual acre feet of water
94 and 0.319 annual acre feet of wastewater, staff believes that the current allocation for
95 water and wastewater is sufficient to accommodate the proposed use. No additional
96 allocation is required at this time.

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98 **CONDITIONAL USE PERMIT FINDINGS**

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

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103 **ENVIRONMENTAL REVIEW**

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105 Under the provisions of Section 15332, In-Fill Development, of the State Guidelines for
106 Implementation of the California Environmental Quality Act (CEQA) as stated below,
107 this project is found to be exempt from the environmental review requirements of
108 Chapter 19.10 of the Calistoga Municipal Code, implementing the California
109 Environmental Quality Act of 1970, as amended in that; 1) the proposal is consistent
110 with the General Plan and Zoning District, 2) the subject site is less than five acres and
111 is surrounding by urban uses, 3) approval of the project would not result in any
112 significant effects relating to traffic, noise, air quality or water quality, and 4) the site can
113 be adequately served by all required utilities and public services.

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115 **RECOMMENDATIONS**

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

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120 B. Based upon the above findings and pursuant to Section 17.06.020(B)(2) of the

121 Zoning Ordinance, staff recommends that the requirement for Design Review
122 approval be waived because there are no substantial design issues to be
123 reviewed.

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

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130 **SUGGESTED MOTIONS**

131 **Categorical Exemption**

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

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136 **Conditional Use Permit**

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

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144 **ATTACHMENTS**

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- 146 1. Vicinity Map
- 147 2. PC Resolution 2011-14
- 148 3. Applicant's written narrative received May 10, 2011
- 149 4. Site Plan and Floor Plans

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