

## RESOLUTION NO. 2014-XXX

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4 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF**  
5 **NAPA, STATE OF CALIFORNIA, MAKING A DETERMINATION OF PUBLIC**  
6 **CONVENIENCE OR NECESSITY FOR A WINE AND BEER SALES LICENSE AT THE**  
7 **MOUNT VIEW HOTEL**  
8

9 **WHEREAS**, pursuant to applicable provisions of the Business and Professions  
10 Code, the Department of Alcoholic Beverage Control (ABC) is charged with the  
11 responsibility of reviewing applications and issuance of licenses for the sale and/or  
12 manufacture of alcoholic beverages in the State of California; and

13 **WHEREAS**, Section 23958 of the Business and Professions Code provides that  
14 ABC shall deny an application for a license if issuance of that license would tend to  
15 create a law enforcement problem, or if issuance would result in or add to an undue  
16 concentration of licenses, except as provided in Section 23958.4 of said Business and  
17 Professions Code; and

18 **WHEREAS**, Section 23958.4 of the Business and Professions Code provides  
19 that, notwithstanding the limitations of Section 23958, ABC shall issue a license if the  
20 applicant shows that public convenience or necessity would be served by the issuance  
21 of such license; and

22 **WHEREAS**, said Section 23958.4 further provides that the determination of  
23 "public convenience or necessity" shall be made by ABC with regard to certain  
24 applications, and shall be made by the local governing body of the area in which the  
25 applicant premises are located with regard to certain other applications; and

26 **WHEREAS**, as a local governing body, the City Council has adopted Resolution  
27 No. 98-113 which establishes guidelines for the City Council to utilize in making public  
28 convenience or necessity determinations; and

29 **WHEREAS**, Public Convenience or Necessity Application PCN 2014-1 was  
30 submitted requesting a determination of public convenience or necessity for on-sale  
31 beer, wine and distilled spirits (Type 70) and off-sale of beer and wine (Type 20)  
32 associated with the Mount View Hotel; and

33 **WHEREAS**, at the time and place fixed for said public hearing, the City Council  
34 did hold a duly noticed public hearing to consider said application and did receive and  
35 consider evidence and testimony for and against the application, and based thereon  
36 does hereby make the findings pursuant to the adopted guidelines as follows:

- 37 1. Input and recommendation from the Police Department should be obtained. This  
38 input should cover the activity area for a period determined by the Chief of Police  
39 to be adequate to show history, or lack thereof, of problems within the  
40 neighborhood which potentially could be affected by an additional license. The  
41 Police Chief should also offer a projection regarding the increased burden, if any,  
42 for Police services which might be created by the issuance of an additional  
43 license.

44            Finding: The Police Department has been consulted regarding the proposed use  
45            and has determined that the neighborhood will not be affected by the additional  
46            license. The Chief of Police reviewed 5 years of call history and found that the  
47            majority of the calls were related to theft and noise. Although alcohol may have  
48            been involved in some of these calls, the Chief of Police reported that the  
49            additional license will not result in an increase in service above the existing  
50            volume and/or create a noticeable effect on the commercial downtown.

- 51    2.        Evidence and/or arguments provided by the applicant addressing the public  
52            convenience or necessity that would be served by the additional license.

53            Finding: The applicant has provided evidence in support of the proposed  
54            application and has addressed the public convenience or necessity that would be  
55            served by the additional license.

- 56    3.        The nature of the proposed use.

57            Finding: The sales of wine and beer to hotel guests is a convenient and  
58            necessary business to Calistoga visitors that will help promote and support local  
59            wine and tourism industries.

- 60    4.        The extent to which alcohol sales are related to the function of the proposed use  
61            and the possibility of the use operating in a viable fashion without alcohol sales.

62            Finding: Furnishing of alcoholic beverages to hotel guests as a complimentary  
63            service or as a convenience service is considered an inherent and incidental part  
64            of a hotel use.

- 65    5.        The proximity of the proposed licensed premises to sensitive land uses such as  
66            but not limited to residences, schools, churches, parks, etc. and the effect that  
67            existing (and proposed) licensed premises (may) have on such sensitive land  
68            uses.

69            Finding: The proximity of the proposed licensed premises to sensitive land uses  
70            and the effect that existing and proposed licenses may have on such sensitive  
71            land uses has been considered. The subject property is located in the  
72            commercial downtown on Lincoln Avenue, a major arterial for transportation in  
73            and out of the City. No schools, parks or places of worship are in close proximity  
74            to the project site. Given these conditions, the proposal to sell beer and wine to  
75            hotel guests is not anticipated to result in any conflict with adjacent land uses.

- 76    6.        The compatibility or suitability of the proposed use with the use and/or character  
77            of the surrounding area.

78            Finding: The proposed use is compatible with the uses and character of the  
79            surrounding area, which includes other visitor accommodation uses. The sale of  
80            beer, wine and distilled spirits to hotel guests is a service that is incidental to the  
81            authorized resort use and is part of the symbiotic relationship that Calistoga has  
82            with the wine industry in the Napa Valley.

83 7. The effect that the proposed use may have on the welfare of the area residents.

84 Finding: The proposed use will not have a significant impact upon the welfare of  
85 the area residents.

86 8. The public convenience or necessity which would be served to the community  
87 (both immediate and the broader Calistoga area) by the issuance of the  
88 additional license.

89 Finding: The public convenience and necessity, both for local Calistoga residents  
90 and tourists, will be served by the issuance of the license for wine and beer  
91 sales. Patrons of the resort are often tourists who are attracted to Napa Valley  
92 for its wines. Sales of wine produced in Napa helps to promote Napa Valley  
93 wines, tourism and those who are employed in a wine-related industry. Sales of  
94 wine and beer at the resort provides a convenience service to its guests and  
95 helps to support the local economy.

96 **WHEREAS**, the City Council has reviewed the project and does find and  
97 determine that the proposed project falls within the definition of Categorical Exemptions,  
98 Section 15301, Class 1 (Existing Facilities) as defined in the CEQA Guidelines, and is  
99 therefore, exempt from the requirement to prepare additional environmental  
100 documentation.

101 **NOW, THEREFORE, BE IT RESOLVED** by the City Council, for the reasons  
102 herein stated, that the public convenience or necessity would be served by the  
103 proposed sale of beer, wine and distilled spirits for on-premises consumption (Type 70)  
104 within the hotel and pool area and the sale of beer and wine for off-premises (Type 20)  
105 consumption in conjunction with guest services that is integrated within a hotel, as  
106 requested in the application.

107 **PASSED AND ADOPTED** by the City Council of the City of Calistoga at a  
108 regular meeting held this **1<sup>st</sup> day of April, 2014**, by the following vote:

109 **AYES:**  
110 **NOES:**  
111 **ABSTAIN:**  
112 **ABSENT:**  
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**CHRIS CANNING, Mayor**

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118 **ATTEST:**  
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**KATHY FLAMSON, Deputy City Clerk**