

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2014-XX**

**APPROVING USE PERMIT UP 2014-4 ALLOWING PRIVATE WINE TASTING
WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 1236 LINCOLN
AVENUE (APN 011-253-001)**

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2 **WHEREAS**, on March 13, 2014, Thomas W. Thornton, on behalf of MT Bottles,
3 LLC, submitted a request for a use permit in order to allow private wine tasting within an
4 existing commercial building located at 1236 Lincoln Avenue; and

5 **WHEREAS**, the Planning Commission considered the request at its regular
6 meeting of April 23, 2014. Prior to taking action on the application, the Planning
7 Commission received written and oral reports by the staff, and received public
8 testimony; and

9 **WHEREAS**, this action has been reviewed for compliance with the California
10 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
11 pursuant to Section 15301 of the CEQA Guidelines; and

12 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made
13 the following use permit findings for the project:

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

19 Finding: Calistoga has determined, per CMC Section 17.02.040, to be primarily,
20 essentially and predominantly a residential community wherein business and
21 commerce are an enhancement and supportive to the quality of life and the City's
22 residential character. The existing structure has been operating as a wine-
23 related office since 2012 and efforts to expand activities within the existing
24 structure would not adversely affect the residential quality of life and is not
25 inconsistent with the City's policies. Conditions of approval have been
26 incorporated into the project approval that will ensure potential impacts are kept
27 to a minimum and that the project will not significantly detract from the rural,
28 small-town atmosphere of the area.

- 29 2. The site is physically suitable for the type and density of development;

30 Finding: The office use with private wine tasting will be located in an existing
31 commercial space wherein interior facilities and improvements are suitable for
32 the proposed use and would complement other businesses in the downtown.

- 33 3. The proposed development has been reviewed in compliance with the California
34 Environmental Quality Act (CEQA) and the project will not result in detrimental or
35 adverse impacts upon the public resources, wildlife or public health, safety and
36 welfare;

37 Finding: This project is exempt from CEQA under Section 15301 of the CEQA
38 Guidelines (Existing Facilities).

39 4. Approval of the use permit application will not cause adverse impacts to
40 maintaining an adequate supply of public water and an adequate capacity at the
41 wastewater treatment facility;

42 Finding: The City's water system and wastewater treatment facility is adequate to
43 serve this project.

44 5. Approval of the use permit application does not require the extension of any
45 main;

46 Finding: Approval of this use permit application shall not cause the extension of
47 service main;

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

51 Finding: A new allocation for water and/or wastewater service is not required for
52 the proposed use. No increase in water consumption or wastewater generation is
53 anticipated by this proposal.

54 7. The proposed development presents a scale and design which are in harmony
55 with the historical and small-town character of Calistoga;

56 Finding: No new structures or exterior modifications to the existing building are
57 being proposed as part of the project.

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

62 Finding: The applicant is a small family-owned producer of handcrafted, ultra
63 premium wines unique to Calistoga.

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

66 Finding: This proposal does not alter the architectural character of the existing
67 structure or other structures in Calistoga. Therefore, this finding is not
68 applicable.

69 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
70 Commission that based on the above findings, the Planning Commission approves the
71 proposed use, subject to the following conditions of approval:

72 1. The use hereby permitted shall substantially conform to the project description and
73 the supporting plans received March 13, 2014 by the Planning and Building
74 Department, except as noted in the permit conditions. This use permit allows wine
75 tasting by appointment only, subject to the conditions contained herein. Any

76 expansion of use or request for public sales and tasting shall require an
77 amendment subject to use permit review as determined by the Planning and
78 Building Department.

79 "By-Appointment" means retail sales and tastings of wine, where such purchase
80 or tastings are limited to persons who have made unsolicited prior appointments
81 for tastings.

82 A log book (or similar record) shall be maintained which documents the number
83 of patrons, and the dates of their visit. This record of patrons shall be made
84 available to the Department upon request.

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86 2. All wines poured shall be labeled with a recognized American Viticulture Area
87 (AVA) within Napa County or are made from at least 75 percent fruit grown within
88 the 94515 zip code area.

89 3. No outdoor wine tasting, seating or live music is permitted as part of this permit,
90 unless otherwise permitted by the Planning and Building Director and/or Planning
91 Commission.

92 4. This permit shall be null and void if not used within a year, or if the use is
93 abandoned for a period of one hundred and eighty (180) days. Once the use is
94 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
95 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code. Minor
96 modifications which do not increase environmental impacts may be approved in
97 writing by the Planning and Building Director.

98 5. This use permit does not abridge or supercede the regulatory powers or permit
99 requirements of any federal, state or local agency, special district or department
100 which may retain regulatory or advisory function as specified by statute or
101 ordinance. The applicant shall obtain permits as may be required from each
102 agency.

103 6. A business license shall be obtained and maintained pursuant to the Calistoga
104 Municipal Code Chapter 5.04.

105 7. The property carries and water baseline of 0.773 annual acre-feet of water and
106 0.773 Annual acre-feet of wastewater. If the use(s) in the building ever exceed its
107 baseline or any other change of use occurs to the building, the owner will be
108 required to obtain a Growth Management Allocation and pay for the additional
109 connection fees required for the additional water and sewer allocation subject to
110 the review and approval of the Planning and Building and Public Works
111 Departments.

112 **ADOPTED** on April 23, 2014 by the following vote of the Calistoga Planning
113 Commission:

114
115 **AYES:**
116 **NOES:**

117 ABSENT:
118 ABSTAIN:

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JEFF MANFREDI, CHAIR

ATTEST: _____
Lynn Goldberg
Secretary to the Planning Commission