

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2014-\_\_**

**APPROVING USE PERMIT UP 2014-5 ALLOWING A COFFEE SHOP AT 713-C WASHINGTON STREET**

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1           **WHEREAS**, on April 28, 2014, Diana Wolf submitted a request for a use permit  
2 in order to allow a coffee shop located at 713-C Washington Street (APN 011-234-012);  
3 and

4           **WHEREAS**, the Planning Commission considered the request at a public hearing  
5 on June 11, 2014. Prior to taking action on the application, the Planning Commission  
6 received written and oral reports by the staff, and received public testimony; and

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 15301 of the CEQA guidelines; and

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

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

17           Supporting Evidence: The property is located within the Community Commercial  
18 land use designation and the CC-DD Community Commercial-Design District  
19 zoning district. The proposed use is consistent with the policies, objectives and  
20 actions of the General Plan and will comply with the applicable provisions of the  
21 Zoning Ordinance.

22 2.       Finding: The site is physically suitable for the type and density of development.

23           Supporting Evidence: The proposed coffee shop would be located in an existing  
24 commercial space that was previously occupied by a retail business and with  
25 minor interior modifications would be suitable for the proposed use.

26 3.       Finding: The proposed development has been reviewed in compliance with the  
27 California Environmental Quality Act (CEQA) and the project will not result in  
28 detrimental or adverse impacts upon the public resources, wildlife or public  
29 health, safety and welfare.

30           Supporting Evidence: This project is exempt from CEQA under Section 15301.

31 4.       Finding: Approval of the use permit application will not cause adverse impacts to  
32 maintaining an adequate supply of public water and an adequate capacity at the  
33 wastewater treatment facility.

34            Supporting Evidence: The City's water system and wastewater treatment facility  
35            are adequate to serve the proposed use.

36            5.        Finding: Approval of the use permit application shall not cause the extension of  
37            service mains greater than 500 feet.

38            Supporting Evidence: This use permit would not cause the extension of any  
39            service mains.

40            6.        Finding: An allocation for water and/or wastewater service pursuant to Chapter  
41            13.16 CMC (Resource Management System) shall be made prior to project  
42            approval. Said allocation shall be valid for one year and shall not be subject to  
43            renewal.

44            Supporting Evidence: The Planning and Building Department intends to grant a  
45            Growth Management Allocation allowing a nominal increase in water and  
46            wastewater service to accommodate the use.

47            7.        Finding: The proposed development presents a scale and design which are in  
48            harmony with the historical and small-town character of Calistoga.

49            Supporting Evidence: The owner is only proposing minor alterations to the  
50            interior of the building. All exterior materials, paint colors, trim, moldings, and  
51            other decoration would remain the same. The proposed alterations would not  
52            result in a scale of development that is different from what currently exists or that  
53            is different from the character of surrounding development.

54            8.        Finding: The architectural design, location, height and size of the structure will  
55            retain the character of the community by preserving the existing architectural  
56            features and layout of the property.

57            Supporting Evidence: Although the applicant owns and operates coffee shops in  
58            Lake County, the proposed coffee shop does not meet the definition of a formula  
59            restaurant per the Zoning Code. Vine Trail Espresso does not have a similar  
60            name to Ms. Wolf's other businesses (i.e., Mugshots Espresso). Nor are the  
61            menus, uniforms, interior décor and the signage similar to Ms. Wolf's other  
62            businesses. The food presentation, name and appearance of Vine Trail  
63            Espresso would be unique to Calistoga.

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

66            Supporting Evidence: No exterior physical changes would occur to the exterior of  
67            any buildings on the site as a result of this application (see response under No. 8  
68            above).

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 project, subject to the following Conditions of Approval.

- 73 1. This permit authorizes a coffee shop consistent with the floor plans and project  
74 description received April 28, 2014 and consistent with all other City ordinances,  
75 rules, regulations, and policies. The conditions listed below are particularly  
76 pertinent to this permit and shall not be construed to permit violation of other laws  
77 and policies not so listed.
- 78 2. This permit shall be null and void if not used within a year, or if the use is  
79 abandoned for a period of one hundred and eighty (180) days. Once the use is  
80 initiated, this permit shall be valid until it expires or is revoked pursuant to the  
81 terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code. Minor  
82 modifications which do not increase environmental impacts may be approved in  
83 writing by the Planning and Building Director.
- 84 3. This use permit does not abridge or supercede the regulatory powers or permit  
85 requirements of any federal, state or local agency, special district or department  
86 which may retain regulatory or advisory function as specified by statute or  
87 ordinance. The applicant shall obtain permits as may be required from each  
88 agency.
- 89 4. A building permit shall be obtained for all construction occurring on the site, not  
90 otherwise exempt by the California Building Code or any State or local  
91 amendment adopted thereto, and all fees associated with plan check and  
92 building inspections, and associated development impacts fees established by  
93 City Ordinance or Resolution shall be paid.
- 94 5. A business license shall be obtained and maintained pursuant to the Calistoga  
95 Municipal Code Chapter 5.04 for the life of the permit.
- 96 6. The applicant shall comply with the California Uniform Retail Food Facilities Law for  
97 food and water service to the public.
- 98 7. The operator of the facility shall obtain a separate food facility operating permit  
99 through the Napa County Environmental Health Division prior to commencing  
100 operation.
- 101 8. Prior to building permit issuance, complete plans and specifications containing  
102 equipment layout, finish schedule and plumbing plans for this food and/or  
103 beverage facility, including appropriate grease interceptors, floor mat washing  
104 facilities and employee restrooms, shall be submitted for review and approval by  
105 Napa County Environmental Health Division.
- 106 9. Prior to operation, the applicant shall obtain a Growth Management Allocation  
107 and purchase 0.0671 acre-feet of water and 0.0393 acre-feet of wastewater  
108 subject to the ordinances in place at the time of building permit issuance. A  
109 reduced amount of resources shall only be approved upon the review and  
110 approval of the Public Works Department.
- 111 Upon obtaining the allocation, the baseline for the property would be 0.2711  
112 acre-feet of water and 0.2233 acre-feet of wastewater. If the use(s) on the

113 property ever exceed its baseline or any other change of use occurs to the  
114 property, the owner shall obtain a Growth Management Allocation and pay for the  
115 additional connection fees required for the additional water and sewer allocation,  
116 subject to the review and approval of the Planning and Building and Public Works  
117 Departments.

118 10. No outdoor seating shall be allowed unless authorized by the Planning and  
119 Building Department.

120 **ADOPTED** on June 11, 2014, by the following vote of the Calistoga Planning  
121 Commission:

122  
123 **AYES:**  
124 **NOES:**  
125 **ABSENT:**  
126 **ABSTAIN:**

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\_\_\_\_\_  
JEFF MANFREDI, CHAIRMAN

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131

132 **ATTEST:** \_\_\_\_\_  
133 Lynn Goldberg  
134 Secretary to the Planning Commission