

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2015-\_\_\_**

**APPROVING USE PERMIT UP 2015-3 ALLOWING WINE TASTING AND RETAIL  
SALES WITHIN AN EXISTING COMMERCIAL SPACE LOCATED AT 1458 LINCOLN  
AVENUE, SUITE 12**

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2       **WHEREAS**, on April 21, 2015, Trent Ghiringhelli submitted a request for a use  
3 permit in order to allow wine tasting and retail sales within an existing commercial space  
4 located at 1458 Lincoln Avenue, Suite 12; and

5       **WHEREAS**, the Planning Commission considered the request at its regular  
6 meeting of June 10, 2015. 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.     Finding: The proposed development, together with any provisions for its design  
15 and improvement, is consistent with the General Plan, any applicable specific  
16 plan and other applicable provisions of the Zoning Code including the finding that  
17 the use as proposed is consistent with the historic, rural, small-town atmosphere  
18 of Calistoga.

19       Supporting Evidence: The proposed development is consistent with the goals  
20 and policies of the Calistoga General Plan in that it represents an allowable use  
21 in an existing commercial space in a strategic location in the downtown. A viable  
22 wine tasting use in the rail car would complement the existing mix of uses on the  
23 property and provide a revenue-generating use for the City. The wine tasting  
24 room adds a small premium wines element to other wine tasting rooms in the  
25 City and reflects the heritage and history of winemaking in this region.

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

27       Supporting Evidence: The site is physically suitable for the type and intensity of  
28 development in that it occupies an existing space and incorporates some retail  
29 element as part of the wine tasting room (wine and wine-related retail items).  
30 There are other wine tasting rooms located throughout the city that are similar in  
31 scale to the proposed tasting room but this location is distinct from the others  
32 since it is in a rail car.

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

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

- 39    4.    Finding: 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            Supporting Evidence: The City's water system and wastewater treatment facility  
43            are adequate to serve this project. Changes in water use and in wastewater  
44            treatment plant capacity are the equivalent of current use by the previous use  
45            within the building.

- 46    5.    Finding: Approval of the use permit application does not require the extension of  
47            any main.

48            Supporting Evidence: Approval of this use permit application will not require the  
49            extension of any service main.

- 50    6.    Finding: An allocation for water and/or wastewater service pursuant to Chapter  
51            13.16 CMC (Resource Management System) shall be made prior to project  
52            approval. Said allocation shall be valid for one year and shall not be subject to  
53            renewal.

54            Supporting Evidence: A new allocation for water and/or wastewater service is not  
55            required for the proposed use. No increase in water consumption or wastewater  
56            generation is anticipated by this proposal.

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

59            Supporting Evidence: No new structures or exterior modifications to the existing  
60            building are being proposed as part of the project. The Calistoga Depot and  
61            associated rail cars have long been part of the fabric of the downtown Calistoga  
62            area, so it would be in harmony with the historical and small-town character of  
63            Calistoga.

- 64    8.    Finding: The proposed development is consistent with and will enhance  
65            Calistoga's history of independent, unique, and single location businesses, thus  
66            contributing to the uniqueness of the town, which is necessary to maintain a  
67            viable visitor industry in Calistoga and to preserve its economy.

68            Supporting Evidence: The re-use of this existing commercial space in the  
69            downtown would be consistent with Calistoga's sense of independent and  
70            unique single-location businesses. Its redesigned interior would be a  
71            complement to the downtown, while bolstering and accentuating the context of  
72            the rail car. The proposed use, a tasting room for premium wines grown within  
73            Napa County, would enhance the experience for visitors to the city and make a  
74            meaningful contribution to the City's fiscal vitality through enhanced revenues.

- 75    9.    Finding: The proposed development complements and enhances the  
76            architectural integrity and eclectic combination of architectural styles of Calistoga.

77            Supporting Evidence: The re-use of this commercial space would preserve and  
78            enhance the architectural integrity and eclectic combination of architectural styles  
79            of Calistoga.

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

- 83            1.        The use hereby permitted shall substantially conform to the project descriptions and  
84            supporting plan received April 21, 2015 by the Planning and Building Department,  
85            except as noted in the permit conditions. This use permit allows wine tasting and  
86            retail sales. This use permit does not allow live entertainment, as defined per CMC  
87            Section 17.04.395. Any expansion or change of use shall require an amendment  
88            subject to use permit review as determined by the Planning and Building  
89            Department. Minor modifications which do not increase environmental impacts  
90            may be approved in writing by the Planning and Building Director.
- 91            2.        Should substantiated complaints related to the operation be received, the  
92            Planning and Building Department shall reassess the use. If staff determines that  
93            health and safety concerns or security issues exist, a public hearing shall be held  
94            for the Planning Commission to consider modifying the conditions of the use  
95            permit to require a reduction in the hours of operation or other limitations that  
96            may mitigate the concerns.
- 97            3.        All wines poured for tasting in the winery tasting room without charge shall be  
98            labeled with a recognized American Viticulture Area (AVA) within Napa County or  
99            are made from at least 75 percent fruit grown within the 94515 zip code area. A  
100           combination of wines meeting the criteria stated above may be allowed if  
101           collectively the combination represents at least 75 percent of the wines being  
102           poured.
- 103           4.        No signage shall be permitted as a result of this approval. All signage shall be  
104           subject to the approval of the Planning and Building Director.
- 105           5.        The property carries a water baseline of 2.31 annual acre-feet of water and 2.08  
106           annual acre-feet of wastewater. If the uses in the buildings ever exceed its  
107           baseline or any other change of use occurs to the building, the property owner  
108           will be required to obtain a Growth Management Allocation and pay for the  
109           additional connection fees required for the additional water and sewer allocation  
110           subject to the review and approval of the Planning and Building and Public Works  
111           Departments.
- 112           6.        This permit shall be null and void if not used within a year, or if the use is  
113           abandoned for a period of one hundred and eighty (180) days. Once the use is  
114           initiated, this permit shall be valid until it expires or is revoked pursuant to the terms  
115           of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 116           7.        This use permit does not abridge or supercede the regulatory powers or permit  
117           requirements of any federal, state or local agency, special district or department

118 which may retain regulatory or advisory function as specified by statute or  
119 ordinance. The applicant shall obtain permits as may be required from each  
120 agency.

121 8. A business license shall be obtained and maintained pursuant to the Calistoga  
122 Municipal Code Chapter 5.04.

123 9. A building permit shall be obtained for all construction occurring on the site, not  
124 otherwise exempt by the California Building Code or any State or local  
125 amendment adopted thereto, and all fees associated with plan check and  
126 building inspections, and associated development impacts fees established by  
127 City Ordinance or Resolution shall be paid.

128 10. Prior to operation, an inspection shall be conducted by the Fire Department to  
129 ensure compliance with health and safety regulations including the installation of  
130 fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally,  
131 the occupancy limit of the space shall be reviewed and approved by the Building  
132 Official and/or Fire Chief and shall be posted in a conspicuous place for the life of  
133 the use.

134 11. The operator shall obtain an operating permit through the Napa County  
135 Environmental Health Department prior to commencing operation, unless otherwise  
136 exempt from a permit.

137 12. Prior to operation, a waste management plan providing the following information  
138 shall be submitted to the Planning and Building Department for approval:

139 a. The location and type of all trash, waste and recycling receptacles on the  
140 property for the commercial use. All solid waste shall be stored and  
141 disposed of in a manner to prevent nuisances or health threats from  
142 insects, vectors and odors.

143 b. The parties responsible for moving trash receptacles in and out of  
144 enclosures on collection days and for cleaning and maintaining areas  
145 where trash receptacles are stored on the property.

146 **ADOPTED** on June 10, 2015 by the following vote of the Calistoga Planning  
147 Commission:

148 AYES:  
149 NOES:  
150 ABSENT:  
151 ABSTAIN:

152  
153 JEFF MANFREDI, Chair

154  
155 ATTEST: \_\_\_\_\_  
156 Lynn Goldberg, Secretary