

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2016-____**

APPROVING USE PERMIT UP 2016-2 ALLOWING WINE TASTING AND RETAIL SALES WITHIN AN EXISTING COMMERCIAL SPACE LOCATED AT 1458 LINCOLN AVENUE, SUITE 9

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2 **WHEREAS**, on April 18, 2016, Claire Ducrocq Weinkauff submitted a request for
3 a use permit in order to allow wine tasting and retail sales within an existing commercial
4 space located at 1458 Lincoln Avenue, Suite 9; and

5 **WHEREAS**, the Planning Commission considered the request at its regular
6 meeting of May 25, 2016. 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 would complement the existing mix of uses on the property and
23 provide a revenue-generating use for the City. The wine tasting room adds a
24 small premium wines element to other wine tasting rooms in the City and reflects
25 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.

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

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

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

39 Supporting Evidence: The City's water system and wastewater treatment facility
40 are adequate to serve this project. Changes in water use and in wastewater
41 treatment plant capacity are the equivalent of current use by the previous use
42 within the building.

43 5. Finding: Approval of the use permit application does not require the extension of
44 any main.

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

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

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

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

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

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

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

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

74 Supporting Evidence: The re-use of this commercial space would preserve and
75 enhance the architectural integrity and eclectic combination of architectural styles
76 of Calistoga.

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

- 80 1. The use hereby permitted shall substantially conform to the project descriptions and
81 supporting plan received April 18, 2016 by the Planning and Building Department,
82 except as noted in the permit conditions. This use permit allows wine tasting and
83 retail sales. This use permit does not allow live entertainment, as defined per CMC
84 Section 17.04.395.
- 85 2. Any expansion or change of use shall require an amendment subject to use
86 permit review as determined by the Planning and Building Department. Minor
87 modifications which do not increase environmental impacts may be approved in
88 writing by the Planning and Building Director.
- 89 3. All wines poured for tasting in the winery tasting room without charge shall be
90 labeled with a recognized American Viticulture Area (AVA) within Napa County or
91 are made from at least 75 percent fruit grown within the 94515 zip code area. A
92 combination of wines meeting the criteria stated above may be allowed if
93 collectively the combination represents at least 75 percent of the wines being
94 poured.
- 95 4. No signage shall be permitted as a result of this approval. All signage shall be
96 subject to the approval of the Planning and Building Director.
- 97 5. The property carries a water baseline of 2.31 annual acre-feet of water and 2.08
98 annual acre-feet of wastewater. If the uses in the buildings ever exceed its
99 baseline or any other change of use occurs to the building, the property owner
100 will be required to obtain a Growth Management Allocation and pay for the
101 additional connection fees required for the additional water and sewer allocation
102 subject to the review and approval of the Planning and Building and Public Works
103 Departments.
- 104 6. This permit shall be null and void if not used within a year, or if the use is
105 abandoned for a period of one hundred and eighty (180) days. Once the use is
106 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
107 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 108 7. This use permit does not abridge or supercede the regulatory powers or permit
109 requirements of any federal, state or local agency, special district or department
110 which may retain regulatory or advisory function as specified by statute or
111 ordinance. The applicant shall obtain permits as may be required from each
112 agency.
- 113 8. A business license shall be obtained and maintained pursuant to the Calistoga
114 Municipal Code Chapter 5.04.

- 115 9. A building permit shall be obtained for all construction occurring on the site, not
116 otherwise exempt by the California Building Code or any State or local
117 amendment adopted thereto, and all fees associated with plan check and
118 building inspections, and associated development impacts fees established by
119 City Ordinance or Resolution shall be paid.
- 120 10. Prior to operation, an inspection shall be conducted by the Fire Department to
121 ensure compliance with health and safety regulations including the installation of
122 fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally,
123 the occupancy limit of the space shall be reviewed and approved by the Building
124 Official and/or Fire Chief and shall be posted in a conspicuous place for the life of
125 the use.
- 126 12. Prior to operation, a waste management plan providing the following information
127 shall be submitted to the Planning and Building Department for approval:
- 128 a. The location and type of all trash, waste and recycling receptacles on the
129 property for the commercial use. All solid waste shall be stored and
130 disposed of in a manner to prevent nuisances or health threats from
131 insects, vectors and odors.
- 132 b. The parties responsible for moving trash receptacles in and out of
133 enclosures on collection days and for cleaning and maintaining areas
134 where trash receptacles are stored on the property.

135 **ADOPTED** on May 25, 2016 by the following vote of the Calistoga Planning
136 Commission:

137 **AYES:**
138 **NOES:**
139 **ABSENT:**
140 **ABSTAIN:**

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Paul Coates, Chair

ATTEST: _____
Lynn Goldberg, Secretary