

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-09**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2009-01) ALLOWING
RETAIL WINE SALES, INCLUDING WINE TASTING AND WINE EDUCATION IN AN
EXISTING 1,040 SQUARE FOOT COMMERCIAL SPACE LOCATED AT 1307-B
LINCOLN AVENUE (APN 011-221-027) WITHIN THE "DC-DD", DOWNTOWN
COMMERCIAL-DESIGN DISTRICT ZONING DISTRICT**

1 **WHEREAS**, Denyse Butler is the owner of the subject property for which this
2 application is proposed; and

3
4 **WHEREAS**, T'Anne Butcher, manager of W.H. Smith Wine Sensory Experience
5 is the applicant of the subject use for which this application is proposed; and

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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

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11 **WHEREAS**, the Planning Commission has reviewed and considered this
12 application at its regular meeting on May 27, 2009 and prior to taking action on the
13 application, the Commission received written and oral reports by the Staff, and received
14 public testimony; and

15
16 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made
17 the following Conditional Use Permit findings for the project:

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

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25 FINDING: The property is located within the Downtown Commercial land use
26 designation and the "DC-DD", Downtown Commercial-Design District overlay
27 zoning district. The proposed use is consistent with the policies, objectives and
28 actions of the General Plan and will comply with the applicable provisions of the
29 Zoning Ordinance.

- 30
31 2. The site is physically suitable for the type and density of development.

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33 FINDING: The proposed retail business will be located in an existing commercial
34 space with off-street parking and interior facilities and improvements that are
35 suitable for the proposed use.

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

41 FINDING: This project is exempt from CEQA under Section 15301.

- 42
43 4. Approval of the use permit application will not cause adverse impacts to
44 maintaining an adequate supply of public water and an adequate capacity at the
45 wastewater treatment facility.

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47 FINDING: No adverse impacts to water and wastewater will occur as a result of
48 this project. Provided no glassware is washed on the premises, the current
49 allocation for water and wastewater is sufficient to accommodate the proposed
50 retail wine sales, tasting and educational use.

- 51
52 5. Approval of the use permit application shall not cause the extension of service
53 mains greater than 500 feet.

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55 FINDING: This use will not result in an extension of an existing service main.

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

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61 FINDING: A new allocation for water and/or wastewater service is not required
62 for the proposed use. No increase in water consumption or wastewater
63 generation is anticipated by this proposal (see response under No. 4 above).

- 64
65 7. The proposed development presents a scale and design which are in harmony
66 with the historic and small-town character of Calistoga.

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68 FINDING: The owner is only proposing minor alterations to the interior of the
69 building. All exterior materials, paint colors, trim, moldings, and other decoration
70 will remain the same. The proposed alterations will not result in a scale of
71 development that is different from what currently exists at the Mt. View Hotel and
72 Spa or that is different from the character of surrounding development.

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

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79 FINDING: The architectural design, location, height and size of the structure will
80 retain the character of the community by preserving the existing architectural
81 features and layout of the property.

- 82
83 9. The proposed development complements and enhances the architectural
84 integrity and eclectic combination of architectural styles of Calistoga.

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86 FINDING: No exterior physical changes will occur to the exterior of any buildings
87 on the site as a result of this application (see response under No. 8 above).

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89 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
90 Commission that based on the above Findings the Planning Commission approves the
91 proposed project, subject to the following Conditions of Approval.

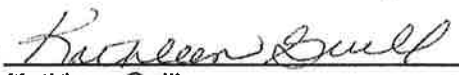
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1. This permit authorizes retail wine sales, including wine tasting and wine education in an existing 1,040 square foot commercial space at 1307-B Lincoln Avenue. The use shall substantially conform to the project description submitted by the applicant and the site plan dated April 3, 2009, except as noted in the permit conditions. The Planning and Building Department may approve minor amendments to this use permit provided that the permit is still in substantial conformance with the original approval. No outdoor seating or live music is permitted as part of this permit. Any future exterior alterations, expansion or other new construction shall be subject to Design Review approval.
 2. The applicant agrees to submit an application for Building Permit for all improvements located on the site, not otherwise exempt by the Uniform Building Code or any State or local amendment adopted thereto. Prior to issuance of all building permits, the applicant agrees to pay all fees associated with plan check and building inspections, and associated development impacts fees rightfully established by City Ordinance or Resolution.
 3. All necessary permits shall be obtained from applicable Federal, State and County agencies having jurisdiction over this project prior to commencement of any operations. Plans, designed by a licensed architect or engineer, which indicate accessibility and energy compliance shall be provided to the Building Department.
 4. No outdoor storage of equipment and/or materials associated with the use shall be permitted beyond that which is authorized by the appropriate sections of the Calistoga Municipal Code pertaining to outdoor storage or as specified herein.
 5. All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices.
 6. The applicant shall comply with the California Uniform Retail Food Facilities Law for food and water service to the public.
 7. The operator of the restaurant facility shall obtain a separate food facility operating permit through the Napa County Environmental Management Department prior to commencing operation.
 8. Prior to building permit issuance, complete plans and specifications containing equipment layout, finish schedule and plumbing plans for this food and/or beverage facilities and employee restrooms, shall be submitted for review and approval by the County Department of Environmental Management.
 9. Within 30 days of occupancy, the property owner or applicant shall submit plans to the Planning and Building Department for improving the existing fencing along the site's Napa River frontage. Required improvements include raising the fence to a minimum height of 3.5 feet and installation of strengthening measures so that the fence will be strong enough to not collapse or give way should a person accidentally fall against it. Installation of the fencing improvements required above shall be completed within 30 days of the date the fencing improvement

- 142 plans are approved by the Planning and Building Department. Prior to
143 occupancy, the property owner and applicant shall sign the attached Indemnity
144 Agreement (Attachment A).
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146 10. Prior to occupancy, smoke detectors shall be installed in all rooms.
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148 11. Prior to occupancy, a 5 lb. ABC fire extinguisher shall be installed. The fire
149 extinguisher shall be maintained in operating condition at all times.
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151 12. Prior to occupancy, interior signs shall be placed above all exits stating "THIS
152 DOOR SHALL REMAIN UNLOCKED DURING BUSINESS HOURS"
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154 13. All installed exterior signs shall be maintained in a clean and neat condition free
155 from graffiti, dirt, grease, chipped, faded or peeling paint, broken or inoperable
156 parts, or similar conditions that detract from the aesthetic quality of the
157 community.
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159 14. The applicant shall obtain a license from the State Department of Alcoholic
160 Beverage Control prior to operation.
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162 15. The permit holder shall permit the City of Calistoga or representative(s) or
163 designee(s) to make periodic inspections at any reasonable time deemed
164 necessary in order to assure that the activity being performed under authority of this
165 permit is in accordance with the terms and conditions prescribed herein.
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167 16. The Planning Commission may revoke the permit in the future if the Commission
168 finds that the use to which the permit is put is detrimental to the health, safety,
169 comfort and welfare of the public, or constitutes a nuisance.
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171 17. This permit shall be null and void if not used by May 27, 2010, or if the use is
172 abandoned for a period of 180 days.
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174 **PASSED, APPROVED AND ADOPTED** on May 27, 2009, by the following vote
175 of the Calistoga Planning Commission:
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178 AYES: MANFREDI, CREAGER, COATES, BUSH and KITE
179 NOES: NONE
180 ABSENT/ABSTAIN: NONE


JEFF MANFREDI, CHAIRMAN

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184 ATTEST: 
185 Kathleen Guill
186 Secretary to the Planning Commission
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