

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2016-\_\_**

**APPROVING A USE PERMIT UP 2016-6 TO ALLOW OUTDOOR SEATING  
AND LIVE ENTERTAINMENT ASSOCIATED WITH THE WINE TASTING  
ESTABLISHMENT AT 1307 LINCOLN AVENUE, SUITE B**

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1           **WHEREAS**, on May 27, 2009, the Planning Commission adopted  
2 Resolution PC 2009-9 allowing wine tasting and retail sales at 1307 Lincoln  
3 Avenue, Suite B; and

4           **WHEREAS**, on August 2, 2016, August Briggs Winery submitted a  
5 request to amend their use permit to allow outdoor seating and live entertainment  
6 associated with the wine retail sales and tasting; and

7           **WHEREAS**, the Planning Commission reviewed and considered the  
8 request at a public hearing held on September 28, 2016 and prior to taking action  
9 on the application, the Commission received written and oral reports by Staff,  
10 and received public testimony; and

11           **WHEREAS**, this action has been reviewed for compliance with the  
12 California Environmental Quality Act (CEQA) and is exempt from the  
13 requirements of the CEQA pursuant to Section 15332 (In-fill Development  
14 Projects) of the CEQA guidelines.

15           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has  
16 made the following findings for the use permit application:

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

22           Supporting Evidence: Calistoga has determined, per CMC Section  
23 17.02.040, to be primarily, essentially and predominantly a residential  
24 community wherein business and commerce are an enhancement and  
25 supportive to the quality of life and the City's residential character. The  
26 existing structure has been operating as a wine tasting establishment  
27 since 2009 and efforts to expand activities on the property would not  
28 adversely affect the residential quality of life and is not inconsistent with  
29 the City's policies. Conditions of approval have been incorporated into the  
30 project approval that will ensure potential impacts are kept to a minimum  
31 and that the project will not significantly detract from the rural, small-town  
32 atmosphere of the area.

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

35            Supporting Evidence: The tenant space is completely enclosed by fencing  
36            and screening having adequate facilities and space for assembly with live  
37            entertainment. The use is suitable and would complement other  
38            businesses in the downtown.

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

43            Supporting Evidence: This project is exempt from CEQA under Section  
44            15332 of the CEQA Guidelines (In-fill Development Projects).

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

48            Supporting Evidence: The City's water system and wastewater treatment  
49            facility are adequate to serve this infill project.

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

52            Supporting Evidence: Approval of this use permit application will not  
53            require the extension of service mains greater than 500 feet.

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

58            Supporting Evidence: The Planning and Building Department intends to  
59            grant a Growth Management Allocation allowing a nominal increase in  
60            water and wastewater service to accommodate the property's expansion of  
61            use. Connection fees will be paid prior to occupancy of the outdoor space.

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

64            Supporting Evidence: No new structures or exterior modifications to the  
65            existing building are being proposed as part of the project. The tables and  
66            chairs will provide a tranquil seating area to view the river.

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

71            Supporting Evidence: Approval of the request for public assembly with live  
72            entertainment will help to sustain active business activity in the

73 community. It will also provide a venue for residents and visitors to  
74 participate in special events.

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

78 Supporting Evidence: This proposal does not alter the architectural  
79 character of the existing structure or other structures in Calistoga.  
80 Therefore, this finding is not applicable.

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

84 1. The uses hereby permitted shall substantially conform to the project  
85 description and the supporting plans received August 2, 2016 by the  
86 Planning and Building Department, except as noted in the permit conditions.

87 Moreover, this use permit removes the prohibition of outdoor seating or live  
88 music contained in U 2009-01 condition of approval no. 1, and allows public  
89 assembly (i.e., special events) with live entertainment, as defined per CMC  
90 Section 17.04.395, subject to the conditions contained herein. The  
91 occupancy of the outdoor patio shall be limited to 38 people.

92 2. Prior to occupancy of the outdoor space, the applicant shall obtain a  
93 Growth Management Allocation and purchase 23.8 units of water and  
94 21.41 units of wastewater subject to the ordinances in place at the time of  
95 building permit issuance. A reduced amount of resources shall only be  
96 approved upon the review and approval of the Public Works Department.

97 If the use(s) in the building ever exceed its baseline or any other change  
98 of use occurs to the building, the owner will be required to obtain a Growth  
99 Management Allocation and pay for the additional connection fees  
100 required for the additional water and sewer allocation subject to the review  
101 and approval of the Planning and Building and Public Works Departments.

102 3. Live entertainment may be allowed up to 10:00 pm Monday through  
103 Thursday and 11 pm Friday through Sunday and shall be conducted in a  
104 manner that is ancillary and complementary to the special events.

105 4. Live entertainment shall not exceed a decibel level of 75 as measured  
106 from any property line of the subject property.

107 5. Prior to the first special event, the payment of in-lieu fees for 12 additional  
108 spaces shall be made and/or evidence that off-site parking is legally  
109 available per CMC Section 17.36.040 shall be provided to the Planning and  
110 Building Department.

111           Upon one year of operation or upon receiving substantiated complaints  
112           related to the insufficiency of parking for the operation, the Planning and  
113           Building Department shall reassess the operation's parking demand. If staff  
114           determines that insufficient parking appears to exist, a public hearing shall  
115           be held for the Planning Commission to consider modifying the conditions  
116           of the use permit to require the payment of appropriate in-lieu parking fees  
117           or the securing of additional parking.

118       6.       This permit shall be null and void if not used within a one year period, or if  
119           the use is abandoned for a period of one hundred and eighty (180) days.  
120           This permit shall be valid until it expires or is revoked pursuant to the terms  
121           of this permit and/or Chapter 17.40 of the Calistoga Municipal Code. Minor  
122           modifications which do not increase environmental impacts may be  
123           approved in writing by the Planning and Building Director.

124       7.       The owner(s) shall permit the City of Calistoga or representative(s) or  
125           designee(s) to make periodic inspections at any reasonable time deemed  
126           necessary in order to assure that the activity being performed under  
127           authority of this permit is in accordance with the terms and conditions  
128           prescribed herein.

129       8.       This use permit does not abridge or supercede the regulatory powers or  
130           permit requirements of any federal, state or local agency, special district or  
131           department which may retain regulatory or advisory function as specified  
132           by statute or ordinance. The applicant shall obtain permits as may be  
133           required from each agency.

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

139           **ADOPTED** on September 28, 2016 by the following vote of the Calistoga  
140           Planning Commission:

141           **AYES:**  
142           **NOES:**  
143           **ABSENT:**  
144           **ABSTAIN:**

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\_\_\_\_\_  
Paul Coates, Chair

148           **ATTEST:** \_\_\_\_\_  
149                   Lynn Goldberg  
150                   Secretary to the Planning Commission

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