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**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-04**

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A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2008-10) ALLOWING WINE SALES, INCLUDING WINE TASTING AND PERIODIC LIVE ENTERTAINMENT ON THE PROPERTY LOCATED AT 1334-B LINCOLN AVENUE (APN 011-231-007) WITHIN THE “DC-DD”, DOWNTOWN COMMERCIAL - DESIGN DISTRICT

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WHEREAS, Rafael Rios, is the applicant of the subject property for which this application is proposed; and

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WHEREAS, on December 4, 2008 the applicant submitted a Conditional Use Permit in order to allow wine sales, including wine tasting and periodic live entertainment; and

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WHEREAS, pursuant to Section 17.06.20(B)(2) of the Calistoga Municipal Code Design Review has been waived; and

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WHEREAS, the Planning Commission considered the request at its regular meeting of January 28, 2009. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant to Section 15332 of the CEQA guidelines; and

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

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

Finding: A wine shop and wine bar are consistent with the General Plan vision for a vibrant eclectic commercial core. The proposed use is also a reflection of the surrounding agricultural use and winemaking region, which enhances the rural character of this small town.

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

Finding: No changes will be occurring to the existing building, other than that which is required to conform to accessibility and energy efficiency standards. No significant changes will be occurring to the exterior patio space. These existing developments are suitable for the site.

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

Finding: This project is exempt from CEQA under Section 15332.

- 54 4. Approval of the use permit application will not cause adverse impacts to maintaining
55 an adequate supply of public water and an adequate capacity at the wastewater
56 treatment facility.

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58 Finding: The City's water system and wastewater treatment facility are adequate to
59 serve this infill project.

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61 5. Approval of the use permit application will not cause the extension of service mains
62 greater than 500 feet.

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64 Finding: Approval of this use permit application shall not cause the extension of
65 service mains greater than 500 feet.

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

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71 Finding: Patronage for Rios Wine Company is expected to be similar to typical retail
72 patronage. The Rios Wine Company will incorporate water efficiency methods in
73 their business plan. As a result, the property has sufficient water and wastewater
74 resources to accommodate the proposed use.

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76 7. The proposed development presents a scale and design which are in harmony with
77 the historical and small-town character of Calistoga.

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79 Finding: The property is listed on the City's local register of historical resources.
80 However, since there are no proposed exterior architectural changes associated with
81 this project other than minimal signage and placing tables and chairs within the
82 outdoor patio area the project is not anticipated to impact the historical significance.

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

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89 Finding: The Rios Wine Company is a local business and is consistent with
90 Calistoga's General Plan vision.

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92 9. The proposed development complements and enhances the architectural integrity
93 and eclectic combination of architectural styles of Calistoga.

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95 Finding: No change will be made to the architectural style.

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97 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission that
98 based on the above Findings, the Planning Commission approves the proposed project, subject
99 to following Conditions of Approval:

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101 1. The use hereby permitted shall substantially conform to the project description submitted by
102 the applicant and the site plan received December 4, 2008 except as noted in the permit

- 103 conditions. This use permit allows the operation of wine sales, including wine tasting, and
104 periodic live entertainment on the property. The normal business operations within the
105 structure shall not be limited to specific days of the week or hours. The periodic live
106 entertainment is permitted provided that no more than two events occur during any given
107 month and shall only occur indoors. The hours of operation for the outdoor patio shall be
108 limited to the hours of 10 a.m. to 9 p.m., unless otherwise permitted by the Planning and
109 Building Director and/or Planning Commission.
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- 111 2. This permit shall be null and void if not used within a one year period, or if the use is
112 abandoned for a period of one hundred and eighty (180) days. This permit shall be valid
113 until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the
114 Calistoga Municipal Code. Minor modifications which do not increase environmental
115 impacts may be approved in writing by the Planning and Building Director.
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- 117 3. The Planning Commission may revoke the use permit pursuant to Section 17.40 of the
118 Calistoga Municipal Code in the future if the Commission finds that the use has become
119 detrimental to the health, safety, comfort or welfare of the public, or causes a nuisance.
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- 121 4. The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to
122 make periodic inspections at any reasonable time deemed necessary in order to assure
123 that the activity being performed under authority of this permit is in accordance with the
124 terms and conditions prescribed herein.
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- 126 5. This use permit does not abridge or supercede the regulatory powers or permit
127 requirements of any federal, state or local agency, special district or department which
128 may retain regulatory or advisory function as specified by statute or ordinance. The
129 applicant shall obtain permits as may be required from each agency.
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- 131 6. This permit does not authorize wine production or the sale and/or tasting of wines produced
132 by any other wine distributor or proprietor other than Rios Wine Company, LLC and/or the
133 affiliates.
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- 135 7. Prior to operations and/or alterations, a building permit shall be obtained. Plans designed
136 by a licensed architect or engineer which indicate accessibility and energy compliance shall
137 be provided to the Building Department.
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- 139 8. Prior to installation of or modification to signage, authorization and/or a sign permit shall be
140 obtained from the Planning and Building Department.
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- 142 9. Prior to operation, the applicant shall obtain a Business License pursuant to the City of
143 Calistoga Municipal Code Chapter 5.04. The applicant shall, at all times, remain in
144 compliance with the requirements of Chapter 5.04.
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- 146 10. Complete plans and specifications containing equipment layout, finish schedule and
147 plumbing plans for the food and/or beverage facilities and employee restrooms must be
148 submitted directly to the Department of Environmental Management with the appropriate
149 plan review fee (you must submit the plans to the City and obtain their Departmental
150 stamp on said plans prior to bringing them to this Department). These plans must be
151 reviewed and approved prior to issuance of any building clearance or building permit for
152 the tenant improvements.
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154 Upon completion of the work and prior to final by the Department of Environmental
155 Management Department an annual food permit will also be required.
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157 11. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses
158 that generate hazardous waste and/or store hazardous materials above threshold
159 amounts shall file a Hazardous Waste Generator Application and/or Hazardous
160 Materials Business Plan with the Department of Environmental Management within 30
161 days of said activities. All businesses must submit the required Business Activities Form
162 which can be obtained from the Department of Environmental Management
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164 12. Prior to operation, the applicant shall obtain all required licenses from the State Department
165 of Alcoholic Beverage Control.
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167 **PASSED, APPROVED AND ADOPTED** on January 28, 2009, by the following vote of the
168 Calistoga Planning Commission:
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171 AYES:
172 NOES:
173 ABSENT:
174 ABSTAIN:

Jeff Manfredi, Chairman

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179 ATTEST: _____
180 Kathleen Guill
181 Secretary to the Planning Commission