

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION NO. 2021-XX

RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENTS AND A TASTING ROOM POLICY FOR TASTING ROOM USES

WHEREAS, Calistoga Municipal Code (CMC), Title 17 Zoning, provides for and includes regulations for winery tasting room uses; and

WHEREAS, winery tasting room uses are allowed in the Downtown Commercial (DC) and Community Commercial (CC) districts with approval of a conditional use permit; and

WHEREAS, there is concern that continued increase in tasting rooms in the downtown may reduce the diverse range of uses contributing to a vibrant downtown that attracts and serves locals and visitors; and

WHEREAS, the preservation and promotion of commercial diversity meets the objectives and policies of the Land Use Element of the Calistoga General Plan; and

WHEREAS, zoning text amendments to the municipal code, as set forth in Exhibit A, can broaden the use “winery tasting room” with introduction of a “tasting room” definition that encompass winery tasting rooms and similar types of tasting rooms serving other types of alcohol; and

WHEREAS, zoning text amendments to the municipal code, as set forth in Exhibit A, can connect the code to a new set of policies establishing standards for approval of new tasting rooms; and

WHEREAS, the new Tasting Room Policy, as set forth in Exhibit B, establishes standards to limit the number of permits approved per year, limit the number of storefronts for tasting rooms, and provide for a secondary use to preserve and promote a diverse range of uses in the DC and CC districts; and

WHEREAS, the tasting room zoning code amendment and Tasting Room Policy is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, at a public meeting on January 13, 2021, the Planning Commission considered the public record, including the written and oral staff reports, and testimony presented during the meeting on this matter.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that the tasting room zoning code amendments and policy are hereby recommended to the City Council for approval.

APPROVED AND ADOPTED by the City of Calistoga Planning Commission at a meeting held January 13, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, Chair

ATTEST:

Claudia Aceves, Secretary

Exhibit A

Added text shown in bold and underscore; deleted text shown in strike-through, and all other text unchanged.

1. CMC Section 17.04.649 is hereby amended as follows:

17.04.649 Winery tasting room.

A “winery tasting room” is an establishment that sells wines on behalf of one or more wineries and enables consumers to taste wine (with and without charge) as a regular part of the sales business. Winery tasting rooms are owned or operated by wineries that possess a Type 02 license from the State Department of Alcoholic Beverage Control (ABC). (Ord. 679 § 9, 2012).

17.04.649.5 Tasting room.

A “tasting room” is an establishment that sells alcohol on behalf of an off-site alcohol production facility and enables consumers to sample and taste alcohol (with and without charge) as a regular part of the sales business. The alcohol production facility possesses a Type 02 license from the State Department of Alcoholic Beverage Control (ABC). Tasting rooms include winery tasting rooms and tasting rooms operated in conjunction with an alcohol production facility off-site. The use excludes bars and breweries with on-site alcohol production.

...

2. CMC Section 17.21.030(A)(3) is hereby amended as follows:

17.21.030 Conditionally permitted uses.

A. The following uses require a use permit in the DC district, pursuant to Chapter 17.40 CMC:

...

3. ~~Winery tasting rooms; provided, that:~~ Tasting rooms

a. 75 percent of the wines poured for tasting in ~~a~~ the winery tasting room without charge shall comply with one of the following:

i.a. ~~Are~~ Are labeled Napa County, Napa Valley or other legally recognized American viticultural area within the County of Napa; or

ii.b. ~~Are~~ Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.

b. The use shall meet the standards of the City's tasting room policy, adopted by resolution.

...

3. CMC Section 17.22.030(A)(3) is hereby amended as follows:

17.22.030 Conditionally permitted uses.

A. The following uses require a conditional use permit in the CC district, pursuant to Chapter 17.40 CMC:

...

3. ~~Winery tasting rooms; provided, that:~~ **Tasting rooms**

a. 75 percent of the wines poured for tasting in ~~a~~ the winery tasting room without charge **shall** comply with one of the following:

i.a. Are labeled Napa County, Napa Valley or other legally recognized American viticultural area within the County of Napa; or

ii.b. Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.

b. The use shall meet the standards of the City's tasting room policy, adopted by resolution.

...

Exhibit B

Draft Tasting Room Policy
(City Council Resolution #xx-xx)
(Date)

This policy establishes considerations for the review and approval of tasting room uses in the Downtown Commercial (DC) and Community Commercial (CC) zoning districts, in recognizing both the demand for tasting rooms and the General Plan objectives and policies to preserve and promote a diversity of uses in the downtown.

The following standards shall be considered by the approving authority in the review of use permit requests for tasting rooms.

1. **Permits Per Year.** No more than two use permits shall be approved for the establishment of new tasting rooms in the DC or CC district per calendar year (from January 1st to December 31st).
2. **Number of Establishments Permitted.** The number of storefronts for tasting rooms shall not exceed the following:
 - a. 12 storefronts along Lincoln Avenue in the DC district.
 - b. 18 storefronts in the DC district as a whole.
 - c. 2 storefronts in the CC district along Washington Street in the CC district.
 - d. 8 storefronts in the CC district as a whole.For the purposes of this section, a “storefront” shall be considered a building or a portion of a building with an individual street-facing entry that would accommodate a proposed tasting room use.
3. **Secondary Use.** Tasting rooms shall incorporate a secondary use.
 - a. The secondary use shall occupy at least 25% of the net floor area, excluding offices, storage, and restrooms. The approving authority may provide a reduction in the floor area dedicated to the secondary use where the following considerations have been made:
 - i. The layout and size of the tenant space or building present physical limitations that do not feasibly provide for a secondary use at 25% of net floor area;
 - ii. The reduction shall be as close to the 25% standard as practicable; and
 - iii. The secondary use area is clearly identified in the tenant space or building.
 - b. Where the establishment is a ground floor space, the secondary use is encouraged to be located at the front of the establishment or occupy a significant portion of the front of the establishment.
 - c. The secondary use must be distinct from the tasting room use (e.g. sales of wine related paraphernalia do not count towards the required secondary use).
 - d. Locally-serving retail and services are highly encouraged as the secondary use. Partnerships with local non-profit organizations, public service/community-serving groups, local artists, small businesses, start-ups, and other resident-serving businesses or entities are also encouraged.