

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2021-XX**

APPROVING DESIGN REVIEW DR 2020-5 AND USE PERMIT UP 2019-6 ALLOWING THE MODIFICATION OF A STOREFRONT AND ALLOWING WINE TASTING WITH RETAIL WITHIN AN EXISTING COMMERCIAL SPACE LOCATED AT 1124 LINCOLN AVENUE

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2 **WHEREAS**, on May 28, 2020, Mario Sculatti submitted a request for a design
3 review and use permit in order to modify the facade of a commercial building and allow
4 wine tasting as part of an antiques business within an existing commercial space
5 located at 1124 Lincoln Avenue; and

6 **WHEREAS**, the Planning Commission considered this request at its regular
7 meeting of June 24, 2020. After a continuance, the Planning Commission heard this
8 item again at its regular meeting on January 27, 2021. Prior to taking action on the
9 application, the Planning Commission received written and oral reports by the staff, and
10 received public testimony; and

11 **WHEREAS**, this action has been reviewed for compliance with the California
12 Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA
13 pursuant to Section 15301 and 15303 of the CEQA Guidelines; and

14 **WHEREAS**, the Planning Commission pursuant to Chapter 17.41.050 has made
15 the following design review findings for the project:

- 16 1. Is in accord with the General Plan and any applicable planned development.

17 Supporting Evidence: The proposed development is consistent with the goals
18 and policies of the Calistoga General Plan in that it represents an allowable use
19 in an existing commercial space in a strategic location in the downtown. An
20 antiques business with a wine tasting component would complement the existing
21 mix of uses on the block.

- 22 2. Is in accord with all applicable provisions of the Zoning Code.

23 Supporting Evidence: The DC: Downtown Commercial Zoning District
24 conditionally allows wine tasting businesses. The use is consistent with all DC
25 District development standards and would comply with the parking requirements
26 associated with the use as it is being located within an already developed
27 commercial space. The project is in compliance with all other development
28 standards for the Zoning District

- 29 3. Is consistent with any adopted design review guidelines to the extent possible.

30 Supporting Evidence: The project's design elements are consistent with
31 Community Identity Element policies that encourage the use of existing materials
32 that have traditionally been used in Calistoga and the improvement of the
33 appearance of existing commercial buildings. The proposed design and materials
34 improvements are consistent with the existing architecture in the immediate area.

35 4. Will not impair or interfere with the development, use or enjoyment of other
36 property in the vicinity or the area.

37 Supporting Evidence: The architecture and scale of the of the proposed
38 modifications are compatible with and emphasize Calistoga's unique attributes.
39 Adequate parking is provided, lighting will be directed downward and shielded
40 from adjacent properties. No noise or traffic impacts are expected from the
41 project.

42 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.030.D has
43 made the following use permit findings for the project:

44 1. Finding: Is in accord with the General Plan and any applicable planned
45 development.

46 Supporting Evidence: The proposed development is consistent with the goals
47 and policies of the Calistoga General Plan in that it represents an allowable use
48 in an existing commercial space in a strategic location in the downtown. An
49 antiques business with a wine tasting component would complement the existing
50 mix of uses on the block.

51 2. Finding: Is in accord with all provisions of this title.

52 Supporting Evidence: The site is physically suitable for the type and intensity of
53 use in that it occupies an existing space and incorporates retail elements, such
54 as antiques. The type of use contemplated is allowed in this district by the zoning
55 code.

56 3. Finding: Will not substantially impair or interfere with the development, use or
57 enjoyment of other property in the vicinity.

58 Supporting Evidence: This use is proposed for an existing downtown commercial
59 space. It is a type of use that already exists in several locations downtown. There
60 will not be any excessive noise or lighting, or any other operational
61 characteristics associated with the use that will interfere with surrounding
62 properties.

63 4. Finding: Is consistent with and will enhance Calistoga's history of independent,
64 unique, and single location businesses, thus contributing to the uniqueness of the
65 town, which is necessary to maintain a viable visitor industry in Calistoga and to
66 preserve its economy.

67 Supporting Evidence: The re-use of this existing commercial space in the
68 downtown would be consistent with Calistoga's sense of independent and unique
69 single-location businesses. This locally owned-business would be a complement
70 to the downtown in this location. The proposed use, the tasting of premium wines
71 grown within the region, that also incorporates the retail of antiques, would
72 continue to enhance the experience for visitors to the city and make a meaningful
73 contribution to the City's fiscal vitality.

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

- 77 1. The use hereby permitted shall substantially conform to the project descriptions and
78 supporting plans received in January 2021 by the Planning and Building
79 Department, except as noted in the permit conditions. This use permit allows wine
80 tasting and retail sales. This use permit does not allow live entertainment, as
81 defined per CMC Section 17.04.395.
- 82 2. Any expansion or change of use shall require an amendment subject to use
83 permit review as determined by the Planning and Building Department. Minor
84 modifications may be approved in writing by the Planning and Building Director.
- 85 3. In accordance with CMC Section 17.21.030(A)3, all wines poured for tasting in
86 the winery tasting room without charge shall be labeled with a recognized
87 American Viticulture Area (AVA) within Napa County or are made from at least
88 75 percent fruit grown within the 94515 zip-code area. A combination of wines
89 meeting the criteria stated above may be allowed if collectively the combination
90 represents at least 75 percent of the wines being poured.
- 91 4. No signage is specifically approved as a result of this approval. All signage shall
92 separately be subject to the approval of the Planning and Building Director.
- 93 5. Any minor modifications to the front of the building shall be subject to the review
94 and approval of the Planning & Building Director.
- 95 6. This permit shall be null and void if not used within a year, or if the use is
96 abandoned for a period of one hundred and eighty (180) days. Once the use is
97 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
98 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 99 7. This use permit does not abridge or supersede the regulatory powers or permit
100 requirements of any federal, state or local agency, special district or department
101 which may retain regulatory or advisory function as specified by statute or
102 ordinance. The applicant shall obtain permits as may be required from each
103 agency.
- 104 8. A building permit shall be obtained for any construction occurring on the site not
105 otherwise exempt by the California Building Code or any state or local
106 amendment adopted thereto, and all fees associated with plan check and
107 building inspections, and associated development impact fees established by
108 City Ordinance or Resolution shall be paid.
- 109 9. Prior to operation, an inspection shall be conducted by the Fire Department to
110 ensure compliance with health and safety regulations including the installation of
111 fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally,
112 the occupancy limit of the space shall be reviewed and approved by the Building

- 113 Official and/or Fire Chief and shall be posted in a conspicuous place for the life of
114 the use.
- 115 10. All exterior lighting on the property shall be directed downward and shall
116 otherwise be 'Dark Sky' compliant.

ADOPTED on January 21, 2021 by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Claudia Aceves, Secretary