

**CALISTOGA PLANNING COMMISSION  
STAFF REPORT**

**To:** Calistoga Planning Commission  
**From:** Zach Tusinger, Planning & Building Director  
**Meeting Date:** June 23, 2021  
**Subject:** **Fairwinds Estate Winery  
Temporary Warehouse Operation – UP 2021-4**

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1 **ITEM**

2 Consideration of a use permit and similar use determination application to allow for the  
3 establishment of a temporary warehousing operation associated with a winery, located  
4 in an existing structure at 1330 Gerard Street in the CC: Community Commercial Zoning  
5 District.

6 **PROJECT SETTING**

7 The property at 1330 Gerard  
8 Street is a  
9 warehouse/commercial structure  
10 that fronts the public parking lot  
11 behind the Calistoga Fire Station.  
12 The building has served a variety  
13 of uses including as Shaw  
14 Plumbing, and more recently as  
15 Fitness First.



*1330 Gerard Street*

16 Surrounding uses include the  
17 aforementioned Fire Station, the  
18 US Post Office, a variety of small  
19 office uses, and the public  
20 parking lot behind the Fire  
21 Station. This property is  
22 immediately adjacent to the Napa River.

23 **PROJECT DESCRIPTION**

24 Applicant Anthony Zabit of Fairwinds Estates Winery (Fairwinds) seeks permission from  
25 the Planning Commission to continue temporarily operating a warehouse use  
26 associated with the winery. Fairwinds, located at 4550 Silverado Trail N, was heavily  
27 impacted by last Fall's Glass Fire. As detailed in the project description, Fairwinds  
28 purchased the warehouse structure at 1330 Gerard to use as a point of distribution for  
29 outgoing wine shipments. While there were some early discussions with city staff about  
30 the likely need for permits, in their rush to get back operating after the fire none was  
31 applied for. Staff recently became aware that the warehousing use was operational and  
32 made contact with Fairwinds, advising them that they needed to secure permits for the  
33 use at the property or otherwise face enforcement actions.

34 Fairwinds is currently operating a low impact operation out of the structure (from Gerard  
35 Street it is difficult to discern any apparent activity inside the building). While most of  
36 Fairwinds' more intensive warehouse uses are located elsewhere in in Napa County,  
37 Fairwinds wishes to use this space on a temporary basis for packing and shipping wine  
38 club shipments. The hours are 8 am-5 pm, Monday through Friday. Generally, no more  
39 than 5 employees are on site at any given time (though additional employees may be  
40 present from time to time to assist with seasonal shipments). Minimal truck traffic is  
41 associated with this use. As detailed by the applicant, approximately 10 larger truck  
42 pickups would occur in the spring and fall. Adequate parking exists to support the  
43 employees at this location.

44 Fairwinds estimates it will take 18 to 24 months to rebuild the burned winery on  
45 Silverado Trail, and requests "a minimum of a 1 to 2-year operating permit at the Gerard  
46 location."

#### 47 **ANALYSIS**

48 The project's consistency with the City's applicable plans, policies and codes is  
49 evaluated below.

#### 50 Calistoga General Plan

51 The project site is designated by the General Plan's Land Use Map as Community  
52 Commercial, which allows for the establishment of visitor- and local-serving uses.

53 The Lower Washington Character, which also applies to this property, indicates that  
54 land use in this area should primarily serve local needs, such as resident serving uses,  
55 commercial storage, office space, artist studios, and restaurant uses. Small scale light  
56 industrial uses that keep with the character of the area and existing neighborhood  
57 constraints should be allowed.

#### 58 Zoning Code

59 The project site is zoned Community Commercial (CC). Temporary Storage or  
60 warehousing is allowed subject to the following requirements (CMC 17.22,030(A)24.a-f):

61 a. The use shall be entirely enclosed within an existing structure as of the  
62 effective date of the ordinance codified herein. New structures or expansion of  
63 more than 10 percent of an existing structure shall be prohibited for such uses.

64 b. The use shall primarily serve the permanent resident population of Calistoga.

65 c. The use shall be allowed for up to two years. The use may only be extended  
66 upon the review and approval of the Planning Commission; provided, that a  
67 needs assessment is prepared indicating a demand for the use.

68 d. The use is prohibited within an entry corridor designated in the General Plan.

69 e. Public storage uses are prohibited.

70 f. Warehousing or storage of products for regional distribution are prohibited.

71 g. Outdoor storage of goods and materials are prohibited.

72 As proposed, the use is in potential conflict with ‘b’ and ‘f’. Concerns related to ‘b’ may  
73 be somewhat mitigated by the fact that Fairwinds is in the Calistoga AVA and within the  
74 Calistoga 94515 zip code, and presumably the employees are relatively local. The  
75 allowance of this use in this location could be argued that it does help the local  
76 population, albeit indirectly. Subparagraph ‘f’ is more problematic. While there is likely  
77 some local distribution, it is obviously intended to be used for regional (and perhaps  
78 beyond) distribution. One possible way to approach this issue would be through a  
79 similar use determination.

80 The Planning Commission has the ability to make a similar use determination per the  
81 procedures and findings outlined in CMC Subsection 17.03.090.B. The Zoning Code  
82 specifically contemplates that “in the development of a comprehensive zoning  
83 ordinance, not all uses of land can be listed, nor all future uses be anticipated; or a ‘use’  
84 may have been omitted from the list of those specified as permissible in each of the  
85 various zones herein designated; or ambiguity may arise concerning the appropriate  
86 classification of a particular use within the meaning and intent of this title” (CMC  
87 17.03.090.A). This may be such a case. Winery functions, like temporary warehousing  
88 uses, are allowed by use permit in the Community Commercial zoning district where this  
89 is located. While a full-fledged winery at this location is not being proposed by  
90 Fairwinds, the warehousing and distribution of wine club shipments is a commonly  
91 accepted function of wineries. The Planning Commission could make the findings that  
92 the warehousing use as currently described is similar to aspects of a winery use, and  
93 thus satisfies the concerns associated with CMC 17.22,030(A)24.f. Should the Planning  
94 Commission wish to approve this use, proposed findings for a similar use determination  
95 are included in the draft resolution.

## 96 **ENVIRONMENTAL REVIEW**

97 The use permit application is Categorically Exempt from the requirements of the  
98 California Environmental Quality Act (CEQA) pursuant to Sections 15301 of the CEQA  
99 Guidelines.

## 100 **PUBLIC COMMENT**

101 As of June 16, 2021, no comments regarding this application had been received. Prior  
102 to receiving this application, staff was ‘tipped off’ to the operation by a neighbor  
103 concerned about Fairwinds’ use of a separate private driveway being used to access  
104 their rear yard/parking area.

## 105 **FINDINGS**

106 To reduce repetition, all the necessary findings to approve the use permit application  
107 are contained in the draft resolution.

## 108 **RECOMMENDATION**

109 Based on the information and analysis contained in this report, staff recommends that  
110 the Planning Commission conduct a public hearing on the matter and consider adopting  
111 the attached resolution approving the similar use determination and Use Permit UP  
112 2021-4.

**ATTACHMENTS**

1. Draft Resolution
2. Project Description and Floorplan