

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

**APPROVING A SIMILAR USE DETERMINATION AND USE PERMIT UP
2021-4 ALLOWING FOR A TEMPORARY WAREHOUSING
OPERATION ASSOCIATED WITH A WINERY, AT 1330 GERARD
STREET**

1
2 **WHEREAS**, Anthony Zabit submitted a request for use permit in order to operate
3 a temporary warehousing use within an existing space at 1330 Gerard due to Fairwinds
4 Estates Winery’s impacts from the 2020 Glass Fire; and

5 **WHEREAS**, the Planning Commission considered this request at its regular
6 meeting of June 23, 2021. Prior to taking action on the application, the Planning
7 Commission received written and oral reports by the staff, and received public
8 testimony; and

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

12 **WHEREAS**, the Planning Commission pursuant to CMC Section 17.03.090(B)
13 has made the following findings for a similar use determination in regards to the
14 demonstration winery:

- 15 1. Finding: That the use is in keeping with the stated intent and purpose of the
16 zoning district.

17 Substantial evidence: The intent of the CC: Community Commercial District is to
18 allows the establishment of visitor- and local-serving uses. The small
19 warehousing operation which includes distribution activities associated with an
20 existing Calistoga-area winery, is similar in nature and use to a small winery
21 operation..

- 22 2. Finding: That investigations have disclosed that the subject use and its operation
23 are compatible with the uses permitted in the zoning district within which it is
24 proposed to be located.

25 Substantial evidence: Evidence provided by the applicant shows that the
26 relatively small size of the use is not in direct conflict with any of the surrounding
27 uses (particularly as herein conditioned)

- 28 3. Finding: That the subject use is similar to one or more uses permitted in the
29 zoning district within which it is proposed to be located.

30 Substantial evidence: Evidence suggests that the use is very similar to both a
31 warehouse use and aspects of a small winery use, due to its scope, size, and
32 limited operation and duration.

33 4. Finding: That the subject use will not cause substantial injury to the health,
34 safety, or welfare of the occupants or their property in the zoning district in which
35 it is proposed to be located.

36 Substantial evidence: As conditioned and limited in terms of, hours, etc., the
37 subject use will not cause substantial injury to health, safety, or welfare of
38 occupants of neighboring property in the subject zoning district. This is further
39 demonstrated by the fact the use has been in operation at this location already.

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

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

44 Supporting Evidence: The intent of the CC: Community Commercial District is to
45 allow the establishment of visitor- and local-serving uses. The small warehousing
46 operation which includes distribution activities associated with an existing
47 Calistoga-area winery, is similar in nature and use to a small winery operation.

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

49 Supporting Evidence: Warehousing uses are allowed in the Community
50 Commercial District. Wineries are also allowed. With a similar use determination,
51 the use would be in conformance with the Zoning Code.

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

54 Supporting Evidence: As conditioned, no noise, odor, or significant traffic impacts
55 are expected from the project.

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

60 Supporting Evidence: While not within the Calistoga City limits, Fairwinds Estates
61 Winery is within the Calistoga 94515 zip code and contributes to the vibrancy of
62 local viticulture and tourism. The approval of this permit would help Fairwinds
63 recover from the 2020 Glass Fire.

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

67 1. The use hereby permitted shall substantially conform to the project descriptions and
68 supporting plans received by the Planning and Building Department, except as
69 noted in the permit conditions.

- 70 2. The use shall be restricted in duration to no more than two years from the effective
71 date of this resolution.
- 72 3. Any business identification signs from previous businesses on the property shall be
73 removed within 30 days of the approval of this application.
- 74 4. This use permit does not constitute an approval of a winery or winery associated
75 uses (other than those detailed in the project description).
- 76 5. Any further expansion or change of use shall require an amendment subject to
77 use permit review as determined by the Planning and Building Department. Minor
78 modifications may be approved in writing by the Planning and Building Director.
- 79 6. Any minor modifications to the front of the building shall be subject to the review
80 and approval of the Planning & Building Director. Significant modifications to the
81 exterior of the structure may require either an Administrative Design Review or a
82 Design Review.
- 83 7. This permit shall be null and void if the use is abandoned for a period of one
84 hundred and eighty (180) days. Once the use is initiated, this permit shall be valid
85 until it expires or is revoked pursuant to the terms of this permit and/or Chapter
86 17.40 of the Calistoga Municipal Code.
- 87 8. This use permit does not abridge or supersede the regulatory powers or permit
88 requirements of any federal, state or local agency, special district or department
89 which may retain regulatory or advisory function as specified by statute or
90 ordinance. The applicant shall obtain permits as may be required from each
91 agency.
- 92 9. Within 30 days of the approval of this application Fairwinds will allow an
93 inspection by the Calistoga Building Official, Planning & Building Director, and
94 Fire Chief. Fairwinds shall divulge any and all improvements made to the
95 property since taking ownership.
- 96 10. Within 45 days of the approval of this application, a building permit shall be
97 obtained for any construction occurring or having occurred on the site not
98 otherwise exempt by the California Building Code or any state or local
99 amendment adopted thereto, and all fees associated with plan check and
100 building inspections, and associated development impact fees established by
101 City Ordinance or Resolution shall be paid.
- 102 11. Adequate parking for employees shall be maintained at all times.
- 103 12. Signs clearly denoting pick-up and drop-off areas for delivery drivers shall be
104 installed and maintained.
- 105 13. Any new signage requires a sign permit through the Calistoga Planning Division.

ADOPTED on June 23, 2021 by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Claudia Aceves, Secretary