

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2022-XX**

**APPROVING USE PERMIT UP 2022-5 AMENDING RESOLUTION PC
2021-5 ALLOWING A TASTING USE ACCOMPANIED BY A MICRO-
BREWERY, RETAIL SALES, GROCERY/RESTAURANT, AND
ALCOHOL SALES AT THE HISTORIC CALISTOGA DEPOT LOCATED
AT 1458 LINCOLN AVENUE**

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2 **WHEREAS**, on June 21, 2021, Jean-Charles Boisset on behalf of the Boisset
3 Collection submitted a request for a use permit in order to operate a tasting room,
4 micro-brewery, and grocery/restaurant with alcohol and wine sales at the Calistoga
5 Depot located at 1458 Lincoln Avenue; and

6 **WHEREAS**, the Planning Commission considered this request at its regular
7 meeting on August 11, 2021. Prior to taking action on the application, the Planning
8 Commission received written and oral reports by the staff, received public testimony and
9 approved Resolution PC 2021-5 thereby approving Use Permit UP 2021-5 to operate a
10 tasting room, micro-brewery, and grocery/restaurant with alcohol and wine sales at the
11 Calistoga Depot located at 1458 Lincoln Avenue; and

12 **WHEREAS**, on February 15, 2022, Jean-Charles Boisset on behalf of the
13 Boisset Collection submitted a request for a use permit amendment to UP 2021-5 in
14 order to make minor changes to use provisions; and

15 **WHEREAS**, the Planning Commission considered this request at its regular
16 meeting on March 23, 2022. Prior to taking action on the application, the Planning
17 Commission received written and oral reports by the staff, and received public
18 testimony; and

19 **WHEREAS**, the proposed amendments have been evaluated for compliance with
20 the City's adopted Tasting Room Policy and is in compliance in all respects; and

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

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

- 26 1. Finding: Is in accord with the General Plan and any applicable planned
27 development.

28 Supporting Evidence: The proposed development is consistent with the goals
29 and policies of the Calistoga General Plan in that it represents allowable uses in
30 an existing commercial space in a strategic location in a historic building in the
31 downtown. An outdoor patio, tasting room, and grocery/restaurant combination at
32 this location complements the existing businesses and street front in this area.

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

34 Supporting Evidence: The DC: Downtown Commercial Zoning District
35 conditionally allows the noted uses as amended, specifically the tasting use and
36 alcohol sales and service with a use permit The uses are consistent with all DC
37 District development standards and would comply with the parking requirements
38 associated with the use as the building has historical uses, and the additional
39 parking demands are minimal. The project is in compliance with all other
40 development standards for the Zoning District

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

43 Supporting Evidence: The proposed uses are similar to those already found
44 within the downtown district. No significant new noise or traffic impacts are
45 expected from the project.

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

50 Supporting Evidence: The reinvigoration of the historic Depot in the downtown
51 would be consistent with Calistoga's sense of independent and unique single-
52 location businesses. This is a single-location business, designed to specifically
53 reflect Calistoga's history and character. The project as proposed would allow the
54 property to continue to enhance the experience of residents and visitors to the
55 city and make a meaningful contribution to the City's fiscal vitality.

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

- 59 1. The use and design hereby permitted shall substantially conform to the project
60 descriptions and supporting plans received in February 2022 by the Planning and
61 Building Department, except as noted in the permit conditions.
- 62 2. Any further expansion or change of use shall require an amendment subject to
63 use permit review as determined by the Planning and Building Department. Minor
64 modifications may be approved in writing by the Planning and Building Director.
- 65 3. No signage is specifically approved as a result of this approval. All signage shall
66 separately be subject to the approval of the Planning and Building Director,
67 unless otherwise required, and shall be in accordance with the CMC.
- 68 4. Any minor modifications to the project shall be subject to the review and approval
69 of the Planning & Building Director.
- 70 5. This permit shall be null and void if not used within a year, or if the use is
71 abandoned for a period of one hundred and eighty (180) days. Once the use is
72 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
73 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.

- 74 8. This use permit does not abridge or supersede the regulatory powers or permit
75 requirements of any federal, state or local agency, special district or department
76 which may retain regulatory or advisory function as specified by statute or
77 ordinance. The applicant shall obtain permits as may be required from each
78 agency.
- 79 9. A building permit shall be obtained for any construction occurring on the site not
80 otherwise exempt by the California Building Code or any state or local
81 amendment adopted thereto, and all fees associated with plan check and
82 building inspections, and associated development impact fees established by
83 City Ordinance or Resolution shall be paid.
- 84 10. In lieu of fire sprinklers, an enhanced fire protection system shall be required to
85 be installed, subject to the review and approval of the Calistoga Fire Chief.
- 86 11. Prior to operation, an inspection shall be conducted by the Fire Department to
87 ensure compliance with health and safety regulations including the installation of
88 fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally,
89 if necessary, the occupancy limit of the space shall be reviewed and approved by
90 the Building Official and/or Fire Chief and shall be posted in a conspicuous place
91 for the life of the use.
- 92 12. All exterior lighting on the property shall be directed downward and shall
93 otherwise be 'Dark Sky' compliant. An exterior lighting plan shall be submitted to
94 the City for review and approval. Updated exterior lighting as necessary shall be
95 installed prior to opening of the business.
- 96 13. All conditions related to previous entitlements or permits for this property shall
97 remain in effect unless specifically amended herein.
- 98 14. This project is specifically noted as being subject to all City ordinances related to
99 noise.
- 100 15. Temporary or Special Event permits will be required to be applied for by the
101 applicant prior to any events on the property.
- 102 16. The occupancy limit of the space(s) shall be reviewed and approved by the
103 Building Official and/or Fire Chief and shall be posted in a conspicuous place for
104 the life of the use.
- 105 17. Prior to further Building Permit issuance, provide a water and sewer allocation
106 study comparing project with existing baseline. Purchase additional allocation(s) of
107 water and/or wastewater as necessary.
- 108 18. A grease interceptor is required and shall be sized appropriately, subject to the
109 approval of the Public Works Department.
- 110 20. A floormat washing station is required. All wash water shall be plumbed to the
111 grease interceptor.

- 112 21. Wastewater associated with the brewery operation shall be stored onsite and be
113 off-hauled to an appropriate disposal site. Prior to the Building Permit issuance,
114 provide information on how the trucked wastewater will be managed and
115 method/ability to document proposed disposal of “trucked” wastewater.
- 116 22. An encroachment permit is required from Caltrans for any work done in Lincoln
117 Avenue.
- 118 23. An encroachment permit is required from City for any connection to City utilities.
- 119 24. A backflow prevention device will be required on the applicant’s side of the water
120 meter. The applicant will be responsible for annual testing and necessary repairs of
121 device.
- 122 25. If fire sprinklers are to be installed, possible upsizing of the water lateral and meter
123 may be required along with the fire sprinkler hydraulic analysis. The new
124 combination water service connection shall follow City of Santa Rosa Standard 870
125 and include a T connection to the water main.

ADOPTED on March 23, 2022 by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Claudia Aceves, Secretary