

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2020-XX**

**APPROVING USE PERMIT UP 2022-8 ALLOWING WINE TASTING
WITH RETAIL WITHIN AN EXISTING COMMERCIAL SPACE LOCATED
AT 1440 LINCOLN AVENUE**

WHEREAS, on May 19, 2022, Claire Weinkauf submitted a request for a use permit in order to allow wine tasting as part of a retail business within an existing commercial space located at 1440 Lincoln Avenue; and

WHEREAS, the Planning Commission considered this request at its regular meeting of July 13, 2022. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

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

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

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

Supporting Evidence: The proposed development is consistent with the goals and policies of the Calistoga General Plan in that it represents an allowable use in an existing commercial space. A retail business with a wine tasting component is considered a less-intense use than historically existed (restaurant) and would complement the existing mix of uses on the block.

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

Supporting Evidence: The site is physically suitable for the type and intensity of use in that it occupies an existing space and incorporates retail elements, such as clothing, household goods, jewelry, etc. The type of use contemplated is allowed in this district by the zoning code.

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

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

4. Finding: Is consistent with and will enhance Calistoga's history of independent, unique, and single location businesses, thus contributing to the uniqueness of the

town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.

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

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

1. The use hereby permitted shall substantially conform to the project descriptions and supporting plans received May 19, 2022 by the Planning and Building Department, except as noted in the permit conditions. This use permit allows wine tasting and retail sales.
2. Any expansion or change of use shall require an amendment subject to use permit review as determined by the Planning and Building Department. Minor modifications (such as exterior temporary activities including music and dining) may be approved in writing by the Planning and Building Director.
3. In accordance with CMC Section 17.21.030(A)3, all wines poured for tasting in the winery tasting room without charge shall be labeled with a recognized American Viticulture Area (AVA) within Napa County or are made from at least 75 percent fruit grown within the 94515 zip-code area. A combination of wines meeting the criteria stated above may be allowed if collectively the combination represents at least 75 percent of the wines being poured.
4. All signage shall separately be subject to the approval of the Planning and Building Director.
5. Any minor modifications to the front of the building shall be subject to the review and approval of the Planning & Building Director.
6. This permit shall be null and void if not used within a year, or if the use is abandoned for a period of one hundred and eighty (180) days. Once the use is initiated, this permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
7. This use permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.

8. A building permit shall be obtained for any construction occurring on the site not otherwise exempt by the California Building Code or any state or local amendment adopted thereto, and all fees associated with plan check and building inspections, and associated development impact fees established by City Ordinance or Resolution shall be paid.
9. Prior to operation, an inspection shall be conducted by the Fire Department to ensure compliance with health and safety regulations including the installation of fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally, the occupancy limit of the space shall be reviewed and approved by the Building Official and/or Fire Chief and shall be posted in a conspicuous place for the life of the use.
10. All exterior lighting on the property shall be directed downward and shall otherwise be 'Dark Sky' compliant.
11. Any exterior use of the rear portion of the site (including dining, entertainment, garbage/recycling, etc.) requiring access through the abutting parking lot (under separate ownership) shall first resolve easement related implications to the mutual satisfaction of all impacted property owners.

ADOPTED on July 13, 2022 by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Jeff Mitchem, Secretary