

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2022-XX

**APPROVING A SIMILAR USE DETERMINATION AND USE PERMIT UP
2022-9 ALLOWING FOR THE ESTABLISHMENT OF A TASTING
ROOM AND DEMONSTRATION WINERY AT A RESTAURANT
LOCATED AT 1374 LINCOLN AVENUE**

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2 **WHEREAS**, Betsy Lawer submitted a request for a similar use determination and
3 use permit in order to relocate the Lawer Estates Tasting Room to a space at 1374
4 Lincoln Avenue, and establish an ancillary use of a demonstration winery, both within a
5 to-be-reopened restaurant space located at 1374 Lincoln Avenue; and

6 **WHEREAS**, the Planning Commission considered this request at its regular
7 meeting of April 28, 2021. Prior to taking action on the application, the Planning
8 Commission received written and oral reports by the staff, and received public
9 testimony; and

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

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

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

18 Substantial evidence: The intent of the DC: Downtown Commercial District is to
19 provide for a “broad range of uses that generate high pedestrian traffic” and
20 “ensure an economically and socially vibrant downtown that is intended for, and
21 enjoyed by, residents and visitors alike.” The small demonstration winery use,
22 and is similar in nature and use to a small brewery operation, or small cottage
23 industry.

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

27 Substantial evidence: Evidence provided by the applicant shows that the
28 Brannan Center uses are similar in nature to a small brewery operation, or a
29 cottage industry (which requires a use permit in this district), particularly due to
30 the limited size and scope of the proposed demonstration winery operation (no
31 grape crushing on site, limited deliveries, and no more than 20 barrels annual
32 production).

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

35 Substantial evidence: Evidence provided by the applicant shows that the
36 Brannan Center uses are similar in nature to a small brewery operation, or a
37 cottage industry (which requires a use permit in this district), particularly due to
38 the limited size and scope of the proposed demonstration winery operation (no
39 grape crushing on site, limited deliveries, no more than 20 barrels annual
40 production).

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

44 Substantial evidence: As conditioned and limited in terms of the amount of wine
45 to be produced, hours, etc., the subject use will not cause substantial injury to
46 health, safety, or welfare of occupants of neighboring property in the subject
47 zoning district.

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

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

52 Supporting Evidence:

53 The proposed development is consistent with the goals and policies of the
54 Calistoga General Plan in that it represents allowable uses (with a similar use
55 determination) at an existing commercial property in a strategic location in the
56 downtown.

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

58 Supporting Evidence:

59 The DC: Downtown Commercial Zoning District conditionally allows tasting
60 rooms, subject to limitations, and the City's tasting room policy, and the
61 demonstration winery would be similar in nature to a cottage industry or small
62 brewery operation. The existing structure is consistent with all DC District
63 development standards.

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

66 Supporting Evidence:

67 As conditioned, no noise, odor, or significant traffic impacts are expected from
68 the project.

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

73 Supporting Evidence: Lower Estates Winery is an independent and unique single
74 location Calistoga winery currently located in downtown Calistoga. The relocation
75 of the tasting room, the addition of the demonstration winery, and the reactivation
76 of a long-vacant downtown restaurant space in a prominent location in the
77 downtown. The proposed uses will further enhance this property and downtown
78 Calistoga.

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

- 82 1. The uses hereby permitted shall substantially conform to the project descriptions
83 and supporting plans received by the Planning and Building Department, except as
84 noted in the permit conditions.
- 85 2. The Tasting Room is subject to the City’s adopted Tasting Room Policy, and all
86 applicable municipal code provisions.
- 87 3. The demonstration winery is limited in scope and nature to the parameters as
88 detailed in the project description, and to the area delineated in the submitted floor
89 plan (subject to minor modifications and approval by the Planning & Building
90 Director).
- 91 4. A minimum of 75 percent of the fruit used to make wine produced on site must be
92 grown within the County of Napa.
- 93 5. This use permit does not constitute an approval of any events such as weddings,
94 concerts, movie nights, etc. Small group events such as tours of the demonstration
95 winery, and small winery/tasting room related events or private wine marketing are
96 also permitted. All other events should be permitted via the appropriate
97 mechanisms as detailed in the municipal code.
- 98 6. As it is integral to the property’s active contribution to the downtown’s vibrancy, this
99 use permit shall be null and void if the restaurant use closes or otherwise
100 permanently ceases to function.
- 101 7. Any further expansion or change of use shall require an amendment subject to
102 use permit review as determined by the Planning and Building Department. Minor
103 modifications may be approved in writing by the Planning and Building Director.
- 104 8. Any minor modifications to the front of the building shall be subject to the review
105 and approval of the Planning & Building Director. Significant modifications to the
106 exterior of the structure may require either an Administrative Design Review or a
107 Design Review.
- 108 9. This permit shall be null and void if not used within a year, or if the use is
109 abandoned for a period of one hundred and eighty (180) days. Once the use is
110 initiated, this permit shall be valid until it expires or is revoked pursuant to the terms
111 of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.

- 112 10. This use permit does not abridge or supersede the regulatory powers or permit
113 requirements of any federal, state or local agency, special district or department
114 which may retain regulatory or advisory function as specified by statute or
115 ordinance. The applicant shall obtain permits as may be required from each
116 agency.
- 117 11. A building permit shall be obtained for any construction occurring on the site not
118 otherwise exempt by the California Building Code or any state or local
119 amendment adopted thereto, and all fees associated with plan check and
120 building inspections, and associated development impact fees established by
121 City Ordinance or Resolution shall be paid.
- 122 12. At the time of Building Permit submittal, this project shall be subject to further
123 reviews and conditions of approval as may be appropriate by the Calistoga Fire
124 Department, and the Calistoga Public Works Department.
- 125 13. All new signage requires a sign permit through the Calistoga Planning Division.

ADOPTED on September 28, 2021 by the following vote of the Calistoga
Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Jeff Mitchem, Secretary