

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2023-XX**

**APPROVING USE PERMIT UP 2023-1 ALLOWING SALE OF WINE,
BEER, AND FOOD ITEMS WITHIN AN EXISTING HOTEL SPACE
LOCATED AT 1865 LINCOLN AVENUE**

WHEREAS, on January 19, 2023, Amar Patel submitted a request for a use permit in order to allow beer, wine and food sales at the existing hotel located at 1440 Lincoln Avenue; and

WHEREAS, the Planning Commission considered this request at its regular meeting of February 22, 2023. 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 inn. The added beer, wine, and food sales at the inn would complement its primary use.

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 an additional, subordinate use that adds to the visitor service accommodations. The service beer, wine, and/or food for guests of the hotel is similar to the practices at other lodging facilities in Calistoga. The type of use contemplated is allowed by use permit in the CC 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 is an existing hotel adding a complementary use the will be conducted in the existing floor 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 allowed use of the existing hotel would be consistent with Calistoga's sense of independent and unique single-location businesses. This locally owned hotel, which has been in operation for 38 years, would be enhanced by this complementary use. The proposed use 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 January 19, 2023, by the Planning and Building Department, except as noted in the permit conditions. This use permit allows beer, wine and food sales to the guests of Up Valley Inn for on-site consumption. One-site alcohol consumption by the general public is prohibited.
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. 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.
4. 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.
5. Prior to the commencement of any wine or beer sales for on-site consumption by guests at the property, a finding of Public Convenience or Necessity shall be made by the Calistoga City Council, followed by the approval of the appropriate license type by the California Department of Alcoholic Beverage Control (ABC).

ADOPTED on February 22, 2023, by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tim Wilkes, Chair

ATTEST: _____
Jeff Mitchem, Secretary