

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2009-09**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2009-09) ALLOWING  
RETAIL WINE SALES, INCLUDING WINE TASTING AND WINE EDUCATION IN AN  
EXISTING 1,040 SQUARE FOOT COMMERCIAL SPACE LOCATED AT 1307-B  
LINCOLN AVENUE (APN 011-221-027) WITHIN THE “DC-DD”, DOWNTOWN  
COMMERCIAL-DESIGN DISTRICT ZONING DISTRICT**

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1           **WHEREAS**, Denyse Butler is the owner of the subject property for which this  
2 application is proposed; and

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4           **WHEREAS**, T’Anne Butcher, manager of W.H. Smith Wine Sensory Experience  
5 is the applicant of the subject use for which this application is proposed; and

6  
7           **WHEREAS**, this action has been reviewed for compliance with the California  
8 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA  
9 pursuant to Section 15301 of the CEQA guidelines; and

10  
11           **WHEREAS**, the Planning Commission has reviewed and considered this  
12 application at its regular meeting on May 27, 2009 and prior to taking action on the  
13 application, the Commission received written and oral reports by the Staff, and received  
14 public testimony; and

15  
16           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made  
17 the following Conditional Use Permit findings for the project:

- 18  
19       1.       The proposed development, together with any provisions for its design and  
20 improvement, is consistent with the General Plan, any applicable specific plan  
21 and other applicable provisions of the Zoning Code including the finding that the  
22 use as proposed is consistent with the historic, rural, small-town atmosphere of  
23 Calistoga.

24  
25           FINDING: The property is located within the Downtown Commercial land use  
26 designation and the “DC-DD”, Downtown Commercial-Design District overlay  
27 zoning district. The proposed use is consistent with the policies, objectives and  
28 actions of the General Plan and will comply with the applicable provisions of the  
29 Zoning Ordinance.

- 30  
31       2.       The site is physically suitable for the type and density of development.

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33           FINDING: The proposed retail business will be located in an existing commercial  
34 space with off-street parking and interior facilities and improvements that are  
35 suitable for the proposed use.

- 36  
37       3.       The proposed development has been reviewed in compliance with the California  
38 Environmental Quality Act (CEQA) and the project will not result in detrimental or  
39 adverse impacts upon the public resources, wildlife or public health, safety and  
40 welfare.

- 41            FINDING: This project is exempt from CEQA under Section 15301.  
42  
43        4.        Approval of the use permit application will not cause adverse impacts to  
44            maintaining an adequate supply of public water and an adequate capacity at the  
45            wastewater treatment facility.  
46  
47            FINDING: No adverse impacts to water and wastewater will occur as a result of  
48            this project. Provided no glassware is washed on the premises, the current  
49            allocation for water and wastewater is sufficient to accommodate the proposed  
50            retail wine sales, tasting and educational use.  
51  
52        5.        Approval of the use permit application shall not cause the extension of service  
53            mains greater than 500 feet.  
54  
55            FINDING: This use will not result in an extension of an existing service main.  
56  
57        6.        An allocation for water and/or wastewater service pursuant to Chapter 13.16  
58            CMC (Resource Management System) shall be made prior to project approval.  
59            Said allocation shall be valid for one year and shall not be subject to renewal.  
60  
61            FINDING: A new allocation for water and/or wastewater service is not required  
62            for the proposed use. No increase in water consumption or wastewater  
63            generation is anticipated by this proposal (see response under No. 4 above).  
64  
65        7.        The proposed development presents a scale and design which are in harmony  
66            with the historic and small-town character of Calistoga.  
67  
68            FINDING: The owner is only proposing minor alterations to the interior of the  
69            building. All exterior materials, paint colors, trim, moldings, and other decoration  
70            will remain the same. The proposed alterations will not result in a scale of  
71            development that is different from what currently exists at the Mt. View Hotel and  
72            Spa or that is different from the character of surrounding development.  
73  
74        8.        The proposed development is consistent with and will enhance Calistoga's  
75            history of independent, unique, and single location businesses, thus contributing  
76            to the uniqueness of the town, which is necessary to maintain a viable visitor  
77            industry in Calistoga and to preserve its economy.  
78  
79            FINDING: The architectural design, location, height and size of the structure will  
80            retain the character of the community by preserving the existing architectural  
81            features and layout of the property.  
82  
83        9.        The proposed development complements and enhances the architectural  
84            integrity and eclectic combination of architectural styles of Calistoga.  
85  
86            FINDING: No exterior physical changes will occur to the exterior of any buildings  
87            on the site as a result of this application (see response under No. 8 above).  
88

89           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
90 Commission that based on the above Findings the Planning Commission approves the  
91 proposed project, subject to the following Conditions of Approval.  
92

- 93       1.       This permit authorizes retail wine sales, including wine tasting and wine  
94 education in an existing 1,040 square foot commercial space at 1307-B Lincoln  
95 Avenue. The use shall substantially conform to the project description submitted by  
96 the applicant and the site plan dated April 3, 2009, except as noted in the permit  
97 conditions. The Planning and Building Department may approve minor  
98 amendments to this use permit provided that the permit is still in substantial  
99 conformance with the original approval. No outdoor seating or live music is  
100 permitted as part of this permit. Any future exterior alterations, expansion or  
101 other new construction shall be subject to Design Review approval.  
102
- 103       2.       The applicant agrees to submit an application for Building Permit for all  
104 improvements located on the site, not otherwise exempt by the Uniform Building  
105 Code or any State or local amendment adopted thereto. Prior to issuance of all  
106 building permits, the applicant agrees to pay all fees associated with plan check  
107 and building inspections, and associated development impacts fees rightfully  
108 established by City Ordinance or Resolution.  
109
- 110       3.       All necessary permits shall be obtained from applicable Federal, State and County  
111 agencies having jurisdiction over this project prior to commencement of any  
112 operations. Plans, designed by a licensed architect or engineer, which indicate  
113 accessibility and energy compliance shall be provided to the Building Department.  
114
- 115       4.       No outdoor storage of equipment and/or materials associated with the use shall  
116 be permitted beyond that which is authorized by the appropriate sections of the  
117 Calistoga Municipal Code pertaining to outdoor storage or as specified herein.  
118
- 119       5.       All uses involving the use or storage of combustible, explosive, caustic or  
120 otherwise hazardous materials shall comply with all applicable local, state and  
121 federal safety standards and shall be provided with adequate safety devices.  
122
- 123       6.       The applicant shall comply with the California Uniform Retail Food Facilities Law for  
124 food and water service to the public.  
125
- 126       7.       The operator of the restaurant facility shall obtain a separate food facility operating  
127 permit through the Napa County Environmental Management Department prior to  
128 commencing operation.  
129
- 130       8.       Prior to building permit issuance, complete plans and specifications containing  
131 equipment layout, finish schedule and plumbing plans for this food and/or  
132 beverage facilities and employee restrooms, shall be submitted for review and  
133 approval by the County Department of Environmental Management.  
134
- 135       9.       Prior to occupancy, the property owner or applicant shall submit plans to the  
136 Planning and Building Department for installing new fencing along the site's

- 137 Napa River frontage. The fencing shall be at least 3.5 feet in height, be open (not  
138 solid) in style, and be strong enough to not collapse or give way should a person  
139 accidentally fall against it.  
140  
141 10. Prior to occupancy, smoke detectors shall be installed in all rooms.  
142  
143 11. Prior to occupancy, a 5 lb. ABC fire extinguisher shall be installed. The fire  
144 extinguisher shall be maintained in operating condition at all times.  
145  
146 12. Prior to occupancy, interior signs shall be placed above all exits stating "THIS  
147 DOOR SHALL REMAIN UNLOCKED DURING BUSINESS HOURS"  
148  
149 13. All installed exterior signs shall be maintained in a clean and neat condition free  
150 from graffiti, dirt, grease, chipped, faded or peeling paint, broken or inoperable  
151 parts, or similar conditions that detract from the aesthetic quality of the  
152 community.  
153  
154 14. The applicant shall obtain a license from the State Department of Alcoholic  
155 Beverage Control prior to operation.  
156  
157 15. The permit holder shall permit the City of Calistoga or representative(s) or  
158 designee(s) to make periodic inspections at any reasonable time deemed  
159 necessary in order to assure that the activity being performed under authority of this  
160 permit is in accordance with the terms and conditions prescribed herein.  
161  
162 16. The Planning Commission may revoke the permit in the future if the Commission  
163 finds that the use to which the permit is put is detrimental to the health, safety,  
164 comfort and welfare of the public, or constitutes a nuisance.  
165  
166 17. This permit shall be null and void if not used by May 27, 2010, or if the use is  
167 abandoned for a period of 180 days.  
168

169 **PASSED, APPROVED AND ADOPTED** on May 27, 2009, by the following vote  
170 of the Calistoga Planning Commission:  
171

172 AYES:

173  
174 NOES:

175  
176 ABSENT/ABSTAIN:  
177

178  
179 \_\_\_\_\_  
180 JEFF MANFREDI, CHAIRMAN

181 ATTEST: \_\_\_\_\_  
182 Kathleen Guill  
183 Secretary to the Planning Commission