

# CITY OF CALISTOGA

## STAFF REPORT

**TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: KEN MACNAB, SENIOR PLANNER**

**DATE: MAY 27, 2009**

**SUBJECT: CONDITIONAL USE PERMIT (U 2009-01) AND DESIGN REVIEW (DR 2009-02) APPLICATIONS TO ALLOW 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.**

---

### **REQUEST**

1  
2  
3 Consideration of Conditional Use Permit and Design Review applications to allow retail  
4 wine sales, including wine tasting and wine education in an existing 1,040 square foot  
5 commercial space located at 1307-B Lincoln Avenue (APN 011-221-027) within the  
6 “DC-DD”, Downtown Commercial-Design District zoning district. The property owner is  
7 Denyse Butler. The applicant is T’Anne Butcher, who would be the manager of the  
8 business (W.H. Smith Wine Sensory Experience). The proposed project is exempt  
9 from the California Environmental Quality Act (CEQA) under Section 15301 (Class 1 -  
10 Existing Facilities) of the CEQA Guidelines.

### **BACKGROUND**

11  
12  
13  
14 On November 28, 2007, the Planning Commission approved Conditional Use Permit (U  
15 2007-10) and Design Review (DR 2007-11) applications to allow interior division of an  
16 approximately 2,342 square foot commercial space into two (2) separately leasable  
17 spaces of 1,266 square feet and 1,040 square feet respectively.

18  
19 In March, 2008, a women’s clothing store (Three Sisters) moved into the larger of the  
20 two approved tenant spaces and continues to do business at this location.

### **PROPOSAL**

21  
22  
23  
24 On April 3, 2009, an application was submitted by T’Anne Butcher to open a new retail  
25 wine tasting establishment named W.H. Smith Wine Sensory Experience. The  
26 business will occupy the vacant 1,040 square foot commercial space that exists in the

27 southerly portion of the building. The submitted floor plans (Attachment 4) indicate that  
28 the space will be divided into several areas, including: a retail sales area; a tasting area;  
29 a “sensory education area”; and an office/storage area.  
30

31 The business will provide wine tasting under a Duplicate-02 Wine Grower license held  
32 by Joan Adela and William Howard Smith of Angwin. The majority of the business will  
33 be retail sales of items related to wine education and wine brand promotion. In  
34 addition, educational wine sensory classes will be offered by appointment.  
35

36 Retail sales and tasting will occur seven days a week from 11 a.m. to 8 p.m.  
37 Educational sensory classes will be held in the morning (starting at 9:30 a.m.) when the  
38 retail store is closed to the public. Classes will be limited to a maximum of 10  
39 attendees. No outdoor seating is being proposed at this time.  
40

## 41 **STAFF ANALYSIS**

### 42 **A. Land Use**

#### 43 General Plan

44  
45 The subject property has a General Plan land use designation of Downtown  
46 Commercial. Objective LU-1.1 of the Land Use Element in the General Plan is to  
47 enhance and maintain the vibrancy of the downtown. Implementing Policy P2 calls for  
48 commercial development to be focused in the downtown area (where they are accessible  
49 to residents and tourists). Implementing Policy P5 encourages infill development over  
50 peripheral development. The proposed establishment is consistent with these General  
51 Plan objectives and policies as it is located in the central downtown area on Lincoln  
52 Avenue, is anticipated to contribute to the vibrancy and diversity of uses in the downtown  
53 area, and is occupying an existing commercial space.  
54  
55

#### 56 Zoning

57 The subject property is located within the Downtown Commercial-Design District  
58 overlay (DC-DD) zoning district. The DC-DD zoning district implements the Downtown  
59 Commercial General Plan land use designation. Section 17.22.040(B)(20) of the  
60 Zoning Ordinance requires Use Permit approval by the Planning Commission for wine  
61 and liquor sales, including tasting facilities. Compliance with the required findings for  
62 Use Permit approval is discussed later in this staff report.  
63

64 Section 17.28.020 (B)(1) of the Design District overlay requires Design Review approval  
65 for all uses requiring a Use Permit in the DC zoning district. Because there are no  
66 proposed exterior modifications (except for signage), there are no substantial design  
67 issues to be reviewed, staff is recommending that the requirement for Design Review  
68 approval be waived per Section 17.06.020(B)(2) of the Zoning Ordinance.  
69

70 Compliance with applicable land use and development standards is detailed in the  
71 following table.

72  
73

**SUMMARY OF LAND USE REGULATIONS**

<b><i>Applicable Regulations – 1307-B Lincoln Avenue</i></b>			
<b>Development Criteria</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Required Actions</b>
General Plan Designation	Downtown Commercial; Uses allowed generally include stores, retail facilities, offices, restaurants, bars and visitor accommodations. Medium to High density housing, including live-work are also permitted.	Use of Same Designation	None
Policy P2, Goal LU-1, Land Use Element	Commercial development in Calistoga shall be focused in the downtown area.	Commercial: wine sales and tasting	None
Zoning	Downtown Commercial  Design District Zoning Overlay	Use of Same Designation  Use of Same Designation	None
Uses Permitted w/ Use Permit	Wine and liquor sales, including tasting facilities.	Wine sales, tasting and education, no outdoor seating.	PC Findings for Use Permit and Design Review Approval
Minimum Lot Area	5,000 square feet	Existing / No Expansion	None
Maximum Lot Coverage	Maximum 80%	Existing / No Expansion	None
Height	Maximum 30'	Existing / No Expansion	None
Minimum Setbacks – Main Building	Front: 0' Side Yard, Interior: 0' Side Yard, Street: 0' Rear: 0'	Existing / No Expansion	None
Parking	Retail Sales, General – 1 space per 200 square feet  1,040 sq. ft space / 5 required spaces	12 existing parking spaces on site, 5 of which are designated for use by the subject commercial space.	None
Open Space	Minimum 40%	Existing / No Expansion	None
Floor Area Ratio	Maximum of 200%	Existing / No Expansion	None

74

75 **B. Parking**

76

77 There are 12 off-street parking spaces (including one accessible parking space) located  
78 in the northern portion of the subject site. These spaces would be shared by both  
79 commercial uses in the building. Staff has a minor concern about the potential for  
80 disproportionate use of these spaces by attendees of the proposed educational  
81 classes. However, it should be noted that on-street parking spaces exist in front of the  
82 business and could be available to accommodate additional parking demand as may be  
83 needed. Should the Planning Commission share this concern, staff suggests that the  
84 Commission add a condition of approval requiring monitoring of parking conditions and  
85 a six-month review of the use permit if use of the on-site parking spaces becomes an  
86 issue between the two tenants.

87

88 **C. Signage**

89

90 The applicant is proposing to install one business identification sign on the large  
91 window pane of the space's frontage on Lincoln Avenue (see Attachments 5 and 6).  
92 The business name would be etched into the central area of the window with the tag  
93 phrase "Tasting Room – Education – Shopping" in white vinyl lettering placed  
94 underneath the etching in the lower portion of the window. The area of the etched sign  
95 is estimated to be approximately 8 square feet. The area of the tag phrase is estimated  
96 to be approximately 1.5 square feet.

97

98 Staff has determined that the proposed 9.5 square feet of signage in combination with  
99 the square footage of existing signage for the business located in the other commercial  
100 space is in compliance with Section 17.58.060(1) of the Zoning Ordinance which  
101 permits up to three business identification signs not exceeding a total square footage of  
102 32 square feet. At this time, staff is requesting Commission comment on the proposed  
103 signage.

104

105 **D. Fencing**

106

107 The Police Department has recommended that the fencing bordering the Napa River be  
108 increased in height and strength to safeguard against accidental falls into the Napa  
109 River flood channel. A condition of approval (Condition No. 9) requiring improvement of  
110 the existing fencing along the river has been provided by staff. Further, staff suggests  
111 that the fencing have a minimum height of 3.5 feet and be open (not solid) in style so  
112 not obscure views of the scenic and visual qualities of the Napa River corridor.

113

114 **E. Growth Management**

115

116 The applicant has indicated that all glassware provided for tasting and the educational  
117 courses will be given to the patron as part of the tasting/class fee. No dishwasher or  
118 sink for dishwashing is proposed. Given this, staff believes that the current allocation

119 for water and wastewater is sufficient to accommodate the proposed use. No additional  
120 allocation is required at this time.

121

## 122 **FINDINGS**

123

124 In addition to the above discussion, the analysis of this project includes reference to the  
125 Findings for Use Permit Approval (CMC 17.40.070). These are discussed generally as  
126 follows:

127

### 128 **Findings for Use Permit Approval (CMC 17.40.070):**

129

- 130 1. The proposed development, together with any provisions for its design and  
131 improvement, is consistent with the General Plan, any applicable specific plan  
132 and other applicable provisions of the Zoning Code including the finding that the  
133 use as proposed is consistent with the historic, rural, small-town atmosphere of  
134 Calistoga.

135

136 Response: The property is located within the Downtown Commercial land use  
137 designation and the "DC-DD", Downtown Commercial-Design District overlay  
138 zoning district. The proposed use is consistent with the policies, objectives and  
139 actions of the General Plan and will comply with the applicable provisions of the  
140 Zoning Ordinance.

141

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

143

144 Response: The proposed retail business will be located in an existing  
145 commercial space with off-street parking and interior facilities and improvements  
146 that are suitable for the proposed use.

147

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

152

153 Response: This project is exempt from CEQA under Section 15301.

154

- 155 4. Approval of the use permit application will not cause adverse impacts to  
156 maintaining an adequate supply of public water and an adequate capacity at the  
157 wastewater treatment facility.

158

159 Response: No adverse impacts to water and wastewater will occur as a result of  
160 this project. Provided no glassware is washed on the premises, the current  
161 allocation for water and wastewater is sufficient to accommodate the proposed  
162 retail wine sales, tasting and educational use.

163 5. Approval of the use permit application shall not cause the extension of service  
164 mains greater than 500 feet.

165  
166 Response: This use will not result in an extension of an existing service main.

167  
168 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16  
169 CMC (Resource Management System) shall be made prior to project approval.  
170 Said allocation shall be valid for one year and shall not be subject to renewal.

171  
172 Response: A new allocation for water and/or wastewater service is not required  
173 for the proposed use. No increase in water consumption or wastewater  
174 generation is anticipated by this proposal (see response under No. 4 above).

175  
176 7. The proposed development presents a scale and design which are in harmony  
177 with the historic and small-town character of Calistoga.

178  
179 Response: The owner is only proposing minor alterations to the interior of the  
180 building. All exterior materials, paint colors, trim, moldings, and other decoration  
181 will remain the same. The proposed alterations will not result in a scale of  
182 development that is different from what currently exists on the property or that is  
183 different from the character of surrounding development.

184  
185 8. The proposed development is consistent with and will enhance Calistoga's  
186 history of independent, unique, and single location businesses, thus contributing  
187 to the uniqueness of the town, which is necessary to maintain a viable visitor  
188 industry in Calistoga and to preserve its economy.

189  
190 Response: The architectural design, location, height and size of the structure  
191 will retain the character of the community by preserving the existing architectural  
192 features and layout of the property.

193  
194 9. The proposed development complements and enhances the architectural  
195 integrity and eclectic combination of architectural styles of Calistoga.

196  
197 Response: No exterior physical changes will occur to the exterior of any buildings  
198 on the site as a result of this application (see response under No. 8 above).

199

## 200 **ENVIRONMENTAL REVIEW**

201  
202 Under the provisions of Section 15301, Existing Facilities, of the State Guidelines for  
203 Implementation of the California Environmental Quality Act (CEQA) as stated below,  
204 this project is found to be exempt from the environmental review requirements of  
205 Chapter 19.10 of the Calistoga Municipal Code, implementing the California  
206 Environmental Quality Act of 1970, as amended in that the project involves only minor  
207 interior alternations to an existing 1,040 square foot commercial space.

208 **RECOMMENDATIONS**

- 209
- 210 A. Based upon the above findings, staff recommends the filing of a Notice of  
211 Exemption for the Project pursuant to Section 15301 of the CEQA Guidelines.  
212
- 213 B. Based upon the above findings, staff recommends approval of a Conditional Use  
214 Permit (U 2009-01) to allow retail wine sales, including wine tasting and wine  
215 education in an existing 1,040 square foot commercial space located at 1307-B  
216 Lincoln Avenue (APN 011-221-027) within the "DC-DD", Downtown Commercial-  
217 Design District zoning district.  
218
- 219 C. Based upon the above findings and pursuant to Section 17.06.020(B)(2) of the  
220 Zoning Ordinance, staff recommends that the requirement for Design Review  
221 approval be waived because there are no substantial design issues to be  
222 reviewed.  
223

224 **SUGGESTED MOTIONS**

225 **Categorical Exemption**

226

227 I move that the Planning Commission direct Staff to file a Notice of Exemption for the  
228 Project pursuant to Section 15301 of the CEQA Guidelines as a Class 1 Exemption.  
229

230 **Conditional Use Permit**

231

232 I move that the Planning Commission adopt Resolution PC 2009-09 approving  
233 Conditional Use Permit (U 2009-01) to allow retail wine sales, including wine tasting and  
234 wine education in an existing 1,040 square foot commercial space located at 1307-B  
235 Lincoln Avenue (APN 011-221-027) within the "DC-DD", Downtown Commercial-Design  
236 District zoning district, based upon the findings provided in the Resolution and subject  
237 to conditions of approval.  
238

239 **ATTACHMENTS**

- 240
- 241
- 242 1. Vicinity Map
- 243 2. PC Resolution 2009-09
- 244 3. Project Referral Comments from the Police Department
- 245 4. Site Plan and Floor Plans
- 246 5. Proposed Signage
- 247 6. Photo of Building Front