

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2010-03**

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2009-11) AND DESIGN REVIEW (DR 2009-11) ALLOWING A BISTRO INCLUDING WINE SALES AND TASTING ON THE PROPERTY LOCATED AT 1224 LINCOLN AVENUE (APN 011-253-002) WITHIN THE “DC-DD”, DOWNTOWN COMMERCIAL - DESIGN DISTRICT

1 **WHEREAS**, Frank and Eugenia Romeo, are the applicant's of the subject
2 property for which this application is proposed; and
3

4 **WHEREAS**, on November 2, 2009 the applicant requested consideration of a
5 Conditional Use Permit and Design Review application to allow the establishment of a
6 bistro (i.e. restaurant) primarily focused on wine tasting and retail sales in existing 600
7 square foot structure and throughout the property located at 1224 Lincoln Avenue (APN
8 011-253-002) within the “DC-DD”, Downtown Commercial - Design District; and
9

10 **WHEREAS**, the Planning Commission considered the requests at its regular
11 meeting of February 10, 2010. Prior to taking action on the application, the Planning
12 Commission received written and oral reports by the staff, and received public
13 testimony; and
14

15 **WHEREAS**, this action has been reviewed for compliance with the California
16 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
17 pursuant to Section 15332 of the CEQA guidelines; and
18

19 **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 has made
20 the following Design Review findings for the project:
21

- 22 1. The design shall be compatible with the existing development pattern with regard
23 to massing, scale, setbacks, color, textures, materials, etc.
24

25 Response: The designs of the existing structures are typical of those structures
26 located along Lincoln Avenue and Hazel Street. No alterations are proposed to
27 the historic residential structure. Other improvements are intended to enhance
28 this historical resource by renovating the existing accessory structure to become
29 more complementary and compatible to the property's historical integrity, there is
30 no anticipated impact to the historical significance.
31

- 32 2. The design shall result in an appropriate site layout, orientation, and location of
33 structures, relationship to one another, open spaces and topography.
34

35 Response: The existing conditions and surrounding developments have been
36 established in an historic fashion. The locations of the structures are appropriate
37 for the site yet sensitive to the surrounding properties.
38

39 3. The design shall provide a harmonious relationship of character and scale with
40 existing and proposed adjoining development, achieving complementary style,
41 while avoiding both excessive variety and monotonous repetition.

42
43 Response: See previous comment #1.

44
45 4. The building design, materials, colors and textures shall be compatible and
46 appropriate to Calistoga, and the architectural design or structures and their
47 materials and colors shall be appropriate to the function of the project.

48
49 Response: The modifications to the accessory structure are consistent with
50 these design guidelines, which require exterior colors and materials that blend
51 with the rural character and that are indicators of the function of the structure.

52
53 5. The design shall provide for harmony of materials, colors, and composition of
54 those sides of a structure, which are visible simultaneously.

55
56 Response: The design respects the existing features of the general structures
57 use. The perimeter, building materials, windows, siding, roof features and
58 landscaping treatments are compatible are attractive and intriguing.

59
60 6. The design shall provide consistency of composition and treatment.

61
62 Response: The building profiles are simple, which is compatible with the rural
63 small-town character of the area.

64
65 7. The design shall consider the location and type of planting with regard to valley
66 conditions, including the preservation of specimen and landmark trees upon a
67 site with proper irrigation to insure water conservation and maintenance of all
68 plant materials.

69
70 Response: The area of landscaping shown on the site plan will not impact
71 surrounding properties in the valley floor and will be properly irrigated to maintain
72 the over condition of the property.

73
74 8. The exterior lighting, design, signs and graphics shall be compatible with the
75 overall design approach and appropriate for the setting.

76
77 Response: The proposal does not intend to substantially alter the existing
78 exterior lighting and the proposed signage will be minimal, per the conditions of
79 approval, and is appropriate for a commercial area.

80
81 9. The design shall provide for improvement of existing site conditions, including but
82 not limited to signage, landscaping, lighting, etc., to achieve closer compliance
83 with current standards.

84

85 Response: See Previous Comment #8.

86

87 10. The design promotes a high design standard and utilizes quality materials
88 compatible with the surrounding development consistent with and appropriate for
89 the nature of the proposed use.

90

91 Response: The character-defining elements of the original structure are
92 preserved. The proposed exterior and interior alterations to the accessory
93 structure will not diminish its presence on Hazel Street or the historical qualities
94 of the main house.

95

96 11. The design presents a responsible use of natural and reclaimed resources.

97

98 Response: The property owner has presented a proposal that will reuse the
99 existing building materials during any future renovation of the structure to the
100 maximum extent practicable.

101

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

104

105 1. The proposed development, together with any provisions for its design and
106 improvement, is consistent with the General Plan, any applicable specific plan
107 and other applicable provisions of the Zoning Code including the finding that the
108 use as proposed is consistent with the historic, rural, small-town atmosphere of
109 Calistoga.

110

111 Response: Romeo Vineyards tasting room is consistent with the General Plan
112 vision for a vibrant eclectic commercial core. The proposed use is also a
113 reflection of the surrounding agricultural use and winemaking region, which
114 enhances the rural character of this small town.

115

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

117

118 Response: No changes will be occurring to the existing main residential building
119 and the minor enhancements to the accessory structure are suitable for the site.
120 Modifications to the exterior patio space are beneficial to the overall composition
121 of the property.

122

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

127

128 Response: This project is exempt from CEQA under Section 15332.

129

130 4. Approval of the use permit application will not cause adverse impacts to
131 maintaining an adequate supply of public water and an adequate capacity at the
132 wastewater treatment facility.
133

134 Response: The City's water system and wastewater treatment facility is
135 adequate to serve this infill project.
136

137 5. Approval of the use permit application shall not cause the extension of service
138 mains greater than 500 feet.
139

140 Response: Approval of this use permit application shall not cause the extension
141 of service mains greater than 500 feet.
142

143 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16
144 CMC (Resource Management System) shall be made prior to project approval.
145 Said allocation shall be valid for one year and shall not be subject to renewal.
146

147 Response: Patronage for Romeo Vineyards is expected to be similar to typical
148 retail patronage. Romeo Vineyards will have a water efficient dishwasher using
149 five gallons per cycle, which will run four times a week. The toilet will also be a
150 low flow fixture. Additional water and wastewater allocations have been acquired
151 through the 2009 growth management allocation, which will accommodate the
152 proposed uses.
153

154 7. The proposed development presents a scale and design which are in harmony
155 with the historical and small-town character of Calistoga.
156

157 Response: The designs of the existing structures are typical of those structures
158 located along Lincoln Avenue and Hazel Street. No alterations are proposed to
159 the historic residential structure. Other improvements are intended to enhance
160 this historical resource by renovating the existing accessory structure to become
161 more complementary and compatible to the property's historical integrity, there is
162 no anticipated impact to the historical significance.
163

164 8. The proposed development is consistent with and will enhance Calistoga's
165 history of independent, unique, and single location businesses, thus contributing
166 to the uniqueness of the town, which is necessary to maintain a viable visitor
167 industry in Calistoga and to preserve its economy.
168

169 Response: The property and its usage will celebrate the local agricultural
170 significance and will be operated by a local vintner. The property will help
171 support economic development in the community especially with regard to the
172 visitor industry.
173

174 9. The proposed development complements and enhances the architectural
175 integrity and eclectic combination of architectural styles of Calistoga.

176 Response: No change will be made to the architectural style. The proposed
177 modifications are complementary to the overall design.

178
179 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
180 Commission that based on the above findings, the Planning Commission approves the
181 proposed project, subject to following Conditions of Approval:

- 182
183 1 The use hereby permitted shall substantially conform to the project description
184 submitted by the applicant and the site plan dated November 2, 2009 except as
185 noted in the permit conditions. This use permit allows the operation of bistro
186 including wine sales and tasting on the property. This use permit also allows a
187 single family residence. The conversion of the existing single family dwelling may
188 not be permitted unless authorized by the Planning and Building Director or
189 Planning Commission.
- 190
191 2 The normal business operations shall not be limited to specific days of the week or
192 hours, with exception to the outdoor dining and/or gathering, which shall be
193 prohibited between the hours of 10:30 pm and 8:00 am. Otherwise, if substantive
194 noise complaints are received the Planning and Building Director, Police
195 Department or Planning Commission may reduce the hours of operation as
196 necessary in order to mitigate the impact. Live entertainment is strictly prohibited,
197 unless otherwise modified by the Planning and Building Director or Planning
198 Commission.
- 199
200 3 This permit shall be null and void if not used within a one year period, or if the use
201 is abandoned for a period of one hundred and eighty (180) days. This permit shall
202 be valid until it expires or is revoked pursuant to the terms of this permit and/or
203 Chapter 17.40 of the Calistoga Municipal Code. Minor modifications which do not
204 increase environmental impacts may be approved in writing by the Planning and
205 Building Director.
- 206
207 4 The Planning Commission may revoke the use permit pursuant to Section 17.40
208 of the Calistoga Municipal Code in the future if the Commission finds that the use
209 to which the permit is put is detrimental to the health, safety, comfort or welfare of
210 the public, or causes a nuisance.
- 211
212 5 The owner(s) shall permit the City of Calistoga or representative(s) or
213 designee(s) to make periodic inspections at any reasonable time deemed
214 necessary in order to assure that the activity being performed under authority of
215 this permit is in accordance with the terms and conditions prescribed herein.
- 216
217 6 This use permit does not abridge or supercede the regulatory powers or permit
218 requirements of any federal, state or local agency, special district or department
219 which may retain regulatory or advisory function as specified by statute or
220 ordinance. The applicant shall obtain permits as may be required from each
221 agency.

- 222
223 7 This permit does not authorize wine production.
224
225 8 Prior to operations and/or alterations, a building permit shall be obtained. Plans
226 designed by a licensed architect or engineer which indicate, among other things,
227 accessibility and energy compliance shall be provided to the Building Department
228 for review and approval. The Building Permit shall also indicate type and location
229 of backflow device(s).
230
231 9 Prior to operation, the applicant shall obtain a Business License pursuant to the
232 City of Calistoga Municipal Code Chapter 5.04. The applicant shall, at all times,
233 remain in compliance with the requirements of Chapter 5.04.
234
235 10 The applicant shall comply with the California Uniform Retail Food Facilities Law
236 and Napa County Environmental Health Management Division requirements for
237 food and water service to the public.
238
239 11 Outdoor food preparation and service is limited to foods cooked in a wood burning
240 oven and/or barbecue. The applicant is encouraged to work with the Napa County
241 Environmental Management Division plan check specialist on the design of the
242 proposed outdoor facilities. Complete plans and specifications for the food
243 preparation, service area(s), storage area(s) and the employee restrooms must be
244 submitted for review and approval by the Napa County Environmental Management
245 Division prior to issuance of any building permits for said areas. An annual food
246 permit will be required.
247
248 12 Prior to building permit issuance, the applicant shall purchase 0.48 acre-feet of
249 water and 0.43 acre-feet of wastewater subject to the ordinances in place at the
250 time of building permit issuance. A reduced amount of resources shall only be
251 approved upon the review and approval of the Public Works Department. A change
252 in payment timing may be considered by the Planning and Building Director.
253
254 13 Prior to building permit issuance, a parking in-lieu fee shall be paid for 8 parking
255 spaces at the rate established at the time of building permit issuance, subject to the
256 review and approval of the Planning and building Department.
257
258 14 Applicant shall obtain a license from the State Department of Alcoholic Beverage
259 Control prior to operation.
260
261 15 All advertisements, including signage shall be directed toward Lincoln Avenue.
262 No signage in excess of 4 square feet shall face Hazel Street, unless authorized
263 by the Planning and Building Director or Planning Commission. All website
264 advertisements, business cards, flyers etc. shall direct and promote public
265 access via Lincoln Avenue.
266

- 267 16 Prior to occupancy, the existing door and porch fronting onto Hazel Street shall
268 be removed. No public access shall be via Hazel Street, with exception to the
269 disabled access.
270
- 271 17 Deliveries shall occur on Cedar Street, between Lincoln Avenue and Hazel
272 Street, in the designated loading zone or on Lincoln Avenue, unless otherwise
273 authorized by the Planning and Building Department or Police Department.
274 Deliveries shall be transported via the Lincoln Avenue frontage. Hazel Street
275 shall not be used for regularly scheduled deliveries.
276
- 277 18 Open and outdoor storage of merchandise or materials shall be prohibited.
278
- 279 19 Prior to occupancy, the water systems for the wine sales and tasting
280 establishment and main residence shall be separately metered subject to the
281 review and approval of the Public Works Department.
282
- 283 20 Prior to occupancy, the wine sales and tasting establishment shall connect to the
284 City's sanitary sewer line located in Hazel Street subject to the review and
285 approval of the Public Works Department.
286
- 287 21. Prior to occupancy and commencement of use, a waste management plan
288 providing the following information shall be submitted for approval:
289
- 290 A. The location and type of all trash, waste and recycling receptacles on the
291 property for both the residential use and winery/bistro use. All solid waste
292 shall be stored and disposed of in a manner to prevent nuisances or health
293 threats from insects, vectors and odors.
294
- 295 B. The location and operation of the mat washing and equipment cleaning
296 areas shall be provided, to assure that wastewater from these operations
297 is directed into the sanitary sewer, not the storm drain, and that rain/storm
298 water that falls onto this area does not enter the sanitary sewer.
299
- 300 C. The location and operation of the grease and cooking oil collection and
301 storage system shall be provided, with such system designed and
302 operated to prevent such grease/oil from entering either the sanitary
303 sewer or the storm drain systems, and is instead removed regularly by a
304 grease/oil disposal service and disposed of lawfully.
305
- 306 D. The parties responsible for moving trash receptacles in and out of
307 enclosures on collection days.
308
- 309 E. The parties responsible for cleaning and maintaining areas where trash
310 receptacles are stored on the property.
311

312 22. Prior to building permit issuance, all utility doors, facing Hazel Street, shall be
313 redesigned to include embossing and factory applied color coating, windows
314 may be optional. These doors should be complimentary to the overall design
315 scheme and subject to the review and approval of the Planning and Building
316 Department.

317
318 **PASSED, APPROVED AND ADOPTED** on February 10, 2010 by the following
319 vote of the Calistoga Planning Commission:

320
321 AYES:
322 NOES:
323 ABSENT:
324 ABSTAIN:

325

326

327

Jeff Manfredi, Chairman

328

329

330 ATTEST: _____

331 Kathleen Guill
332 Secretary to the Planning Commission