

RESOLUTION NO. 2010- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA,
STATE OF CALIFORNIA MAKING A DETERMINATION OF PUBLIC CONVENIENCE AND
NECESSITY FOR A WINE AND BEER SALES LICENSE AT 1712 LINCOLN AVENUE WITHIN THE
“CC-DD”, COMMUNITY COMMERCIAL – DESIGN DISTRICT OVERLAY ZONING DISTRICT (APN
011-340-017)**

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3 **WHEREAS**, State law regulating the concentration of alcoholic beverage licenses issued
4 within any one census tract requires local jurisdictions to make Determinations of Public Convenience
5 and Necessity for new businesses where the State Department of Alcoholic Beverage Control (ABC)
6 has concluded that an undue concentration of these businesses exists; and
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8 **WHEREAS**, ABC has determined that there is an over-concentration of businesses selling
9 alcoholic beverages for on- and off-site consumption in Calistoga; and
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11 **WHEREAS**, the City Council has adopted Resolution 98-113 establishing guidelines for
12 making Determinations of Public Convenience and Necessity; and
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14 **WHEREAS**, on April 29, 2009, Patricia Merchant applied to the City for a Public Convenience
15 and Necessity Determination for an off-sale wine and beer sales license for the Indian Springs Resort
16 and Spa located at 1712 Lincoln Avenue; and
17

18 **WHEREAS**, on August 17, 2010, the City Council determined that the granting of a license for
19 wine and beer sales at the Indian Springs Resort and Spa will serve as a public convenience and
20 necessity based on the following findings:
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- 22 1. Input and recommendation from the Police Department should be obtained. This input should
23 cover the activity area for a period determined by the Chief of Police to be adequate to show
24 history, or lack thereof, of problems within the neighborhood which potentially could be
25 affected by an additional license. The Police Chief should also offer a projection regarding the
26 increased burden, if any, for Police services which might be created by the issuance of an
27 additional license.
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29 FINDING: The Police Department has reviewed the applicant's request for a determination of
30 Public Convenience and Necessity and has not expressed any concerns about the proposal.
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- 32 2. Evidence and/or arguments provided by the applicant addressing the public convenience or
33 necessity that would be served by the additional license.
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35 FINDING: The applicant has provided evidence in support of the proposed application and has
36 addressed the public convenience or necessity that would be served by the additional license.
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- 38 3. The nature of the proposed use.
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40 FINDING: The sales of wine and beer to hotel guests is a convenient and necessary business
41 to Calistoga visitors that will help promote and support local wine and tourism industries.
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- 43 4. The extent to which alcohol sales are related to the function of the proposed use and the
44 possibility of the use operating in a viable fashion without alcohol sales.
45

46 FINDING: Furnishing of alcoholic beverages to hotel guests as a complimentary service or as
47 a convenience service is considered an inherent and incidental part of a resort use.
48

49 5. The proximity of the proposed licensed premises to sensitive land uses such as but not limited
50 to residences, schools, churches, parks, etc. and the effect that existing (and proposed)
51 licensed premises (may) have on such sensitive land uses.

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53 FINDING: The proximity of the proposed licensed premises to sensitive land uses and the
54 effect that existing and proposed license may have on such sensitive land uses has been
55 considered. The subject property is located on Lincoln Avenue, a major arterial for
56 transportation in and out of the City. No schools, parks or places of worship are in close
57 proximity to the project site. The Calistoga Springs Mobile Home Park is located adjacent to
58 the subject property, but has not expressed any concern about the proposal. Given these
59 conditions, the proposal to sell wine to hotel guests is not anticipated to result in any conflict
60 with adjacent land uses.

61
62 6. The compatibility or suitability of the proposed use with the use and/or character of the
63 surrounding area.

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65 FINDING: The proposed use is compatible with the uses and character of the surrounding
66 area, which includes other visitor accommodation uses. The sale of wine and beer to hotel
67 guests is a service that is incidental to the authorized resort use and is part of the symbiotic
68 relationship that Calistoga has with the wine industry in the Napa Valley.

69
70 7. The effect that the proposed use may have on the welfare of the area residents.

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72 FINDING: The proposed use will not have a significant impact upon the welfare of the area
73 residents.

74
75 8. The public convenience or necessity which would be served to the community (both immediate
76 and the broader Calistoga area) by the issuance of the additional license.

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78 FINDING: The public convenience and necessity, both for local Calistoga residents and
79 tourists, will be served by the issuance of the license for wine and beer sales. Patrons of the
80 resort are often tourists who are attracted to Napa Valley for its wines. Sales of wine produced
81 in Napa helps to promote Napa Valley wines, tourism and those who are employed in a wine-
82 related industry. Sales of wine and beer at the resort provides a convenience service to its
83 guests and helps to support the local economy.

84
85
86 **BE IT FURTHER RESOLVED** that based upon substantial evidence presented to this Council
87 during the referenced meeting, including written and oral staff reports and public testimony, and
88 subject to the provisions of the staff recommendations, the City Council has made a Determination of
89 Public Convenience and Necessity for wine and beer sales at 1217 Lincoln Avenue, subject to the
90 following conditions:

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92 1. This Public Convenience and Necessity Determination authorizes wine and beer sales on the
93 premises. Any proposed expansion of sales or consumption of alcoholic beverages on the
94 property, in addition to what is entailed with this approval, will require subsequent
95 Determinations of Public Convenience and Necessity. For the purposes of these conditions,
96 "premises" means the entire property, including the interior of any existing or future structure,
97 any indoor or outdoor spa or pool-related facility, all parking and landscaped areas, and any
98 other unimproved area of the property.

99

- 100 2. The City Council may revoke the permit in the future if the Council finds that the use to which the
101 permit is put is detrimental to the health, safety, comfort and welfare of the public, or constitutes a
102 nuisance.
103
- 104 3. The business operator shall comply with all local, State, and Federal laws applicable to its
105 business and the sales of alcoholic beverages on the premises.
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- 107 4. Sales of alcoholic beverages on the premises shall be permitted only between the hours of
108 6:00 a.m. and 10:00 p.m. each day of the week.
109
- 110 5. Signage visible from a public right-of-way that advertises or promotes the sales of wine or beer
111 on the premises is prohibited.
112

113 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a
114 regular meeting held this **17th day of August, 2010**, by the following vote:
115

116
117 AYES:

118
119 NOES:

120
121 ABSTAIN/ABSENT:
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124 _____
125 JACK GINGLES, Mayor
126

127 ATTEST:
128

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130 _____
131 SUSAN SNEDDON, City Clerk