

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2010-15**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2010-06) ALLOWING
RETAIL WINE SALES, INCLUDING WINE TASTING AND WINE EDUCATION IN AN
EXISTING 1,200 SQUARE FOOT COMMERCIAL SPACE LOCATED AT 1307-A
LINCOLN AVENUE (APN 011-221-027) WITHIN THE “DC-DD”, DOWNTOWN
COMMERCIAL-DESIGN DISTRICT ZONING DISTRICT**

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

3
4 **WHEREAS**, Rafael Rios, managing partner of Rios Wine Company LLC is the applicant
5 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 pursuant
9 to Section 15332 of the CEQA guidelines; and

10
11 **WHEREAS**, the Planning Commission has reviewed and considered this application at
12 its regular meeting on October 13, 2010 and prior to taking action on the application, the
13 Commission received written and oral reports by the Staff, and received public testimony; and

14
15 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made the
16 following Conditional Use Permit findings for the project:

- 17
18 1. The proposed development, together with any provisions for its design and improvement,
19 is consistent with the General Plan, any applicable specific plan and other applicable
20 provisions of the Zoning Code including the finding that the use as proposed is consistent
21 with the historic, rural, small-town atmosphere of Calistoga.

22
23 FINDING: The property is located within the Downtown Commercial land use
24 designation and the “DC-DD”, Downtown Commercial-Design District overlay zoning
25 district. The proposed use is consistent with the policies, objectives and actions of the
26 General Plan and will comply with the applicable provisions of the Zoning Ordinance.

- 27
28 2. The site is physically suitable for the type and density of development.

29
30 FINDING: The proposed retail business will be located in an existing commercial space
31 with off-street parking and interior facilities and improvements that are suitable for the
32 proposed use.

- 33
34 3. The proposed development has been reviewed in compliance with the California
35 Environmental Quality Act (CEQA) and the project will not result in detrimental or
36 adverse impacts upon the public resources, wildlife or public health, safety and welfare.

37
38 FINDING: This project is exempt from CEQA under Section 15332.

40 4. Approval of the use permit application will not cause adverse impacts to maintaining an
41 adequate supply of public water and an adequate capacity at the wastewater treatment
42 facility.

43
44 FINDING: No adverse impacts to water and wastewater will occur as a result of this
45 project. The current allocation for water and wastewater is sufficient to accommodate the
46 proposed retail wine sales, tasting and educational use.

47
48 5. Approval of the use permit application shall not cause the extension of service mains
49 greater than 500 feet.

50
51 FINDING: This use will not result in an extension of an existing service main.

52
53 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC
54 (Resource Management System) shall be made prior to project approval. Said allocation
55 shall be valid for one year and shall not be subject to renewal.

56
57 FINDING: A new allocation for water and/or wastewater service is not required for the
58 proposed use. No increase in water consumption or wastewater generation is anticipated
59 by this proposal.

60
61 7. The proposed development presents a scale and design which are in harmony with the
62 historic and small-town character of Calistoga.

63
64 FINDING: The owner is only proposing minor alterations to the interior of the building.
65 All exterior materials, paint colors, trim, moldings, and other decoration will remain the
66 same. The proposed alterations will not result in a scale of development that is different
67 from the character of surrounding development.

68
69 8. The proposed development is consistent with and will enhance Calistoga's history of
70 independent, unique, and single location businesses, thus contributing to the uniqueness
71 of the town, which is necessary to maintain a viable visitor industry in Calistoga and to
72 preserve its economy.

73
74 FINDING: The architectural design, location, height and size of the structure will retain
75 the character of the community by preserving the existing architectural features and
76 layout of the property.

77
78 9. The proposed development complements and enhances the architectural integrity and
79 eclectic combination of architectural styles of Calistoga.

80
81 FINDING: No exterior physical changes will occur to the exterior of any buildings on the
82 site as a result of this application.

83
84 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
85 Commission that based on the above Findings the Planning Commission approves the proposed
86 project, subject to the following Conditions of Approval.

87
88 1. This permit authorizes retail wine sales, including wine tasting and wine education in an
89 existing 1,200 square foot commercial space at 1307-A Lincoln Avenue. The use shall

- 90 substantially conform to the project description submitted by the applicant and the site plan
91 dated August 13, 2010, except as noted in the permit conditions. The normal business
92 operations within the structure shall not be limited to specific days of the week or hours.
93 Periodic live entertainment is permitted provided amplified live entertainment is limited to
94 indoor spaces. The hours of operation for the outdoor patio shall be limited to the hours of
95 10 a.m. to 10 p.m., unless otherwise permitted by the Planning and Building Director and/or
96 Planning Commission. Should substantiated nuisance complaints be received regarding the
97 occurrence of live entertainment the Planning and Building Director may reduce the hours
98 and frequency of the entertainment. The Planning and Building Department may approve
99 minor amendments to this use permit provided that the permit is still in substantial
100 conformance with the original approval.
101
- 102 2. The applicant agrees to submit an application for Building Permit for all improvements
103 located on the site, not otherwise exempt by the Uniform Building Code or any State or
104 local amendment adopted thereto. Prior to issuance of all building permits, the applicant
105 agrees to pay all fees associated with plan check and building inspections, and associated
106 development impacts fees rightfully established by City Ordinance or Resolution.
107
 - 108 3. All necessary permits shall be obtained from applicable Federal, State and County agencies
109 having jurisdiction over this project prior to commencement of any operations. Plans,
110 designed by a licensed architect or engineer, which indicate accessibility and energy
111 compliance shall be provided to the Building Department.
112
 - 113 4. No outdoor storage of equipment and/or materials associated with the use shall be
114 permitted beyond that which is authorized by the appropriate sections of the Calistoga
115 Municipal Code pertaining to outdoor storage or as specified herein.
116
 - 117 5. All uses involving the use or storage of combustible, explosive, caustic or otherwise
118 hazardous materials shall comply with all applicable local, state and federal safety
119 standards and shall be provided with adequate safety devices.
120
 - 121 6. The applicant shall comply with the California Uniform Retail Food Facilities Law for food
122 and water service to the public, as deemed necessary.
123
 - 124 7. Prior to building permit issuance, complete plans and specifications containing
125 equipment layout, finish schedule and plumbing plans for this food and/or beverage
126 facilities and employee restrooms, shall be submitted for review and approval by the
127 County Department of Environmental Management, as deemed necessary.
128
 - 129 8. Prior to occupancy, smoke detectors shall be installed in all rooms.
130
 - 131 9. Prior to occupancy, a 5 lb. ABC fire extinguisher shall be installed. The fire extinguisher
132 shall be maintained in operating condition at all times.
133
 - 134 10. Prior to occupancy, interior signs shall be placed above all exits stating "THIS DOOR
135 SHALL REMAIN UNLOCKED DURING BUSINESS HOURS".
136
 - 137 11. All installed exterior signs shall be maintained in a clean and neat condition free from
138 graffiti, dirt, grease, chipped, faded or peeling paint, broken or inoperable parts, or
139 similar conditions that detract from the aesthetic quality of the community.

- 140
141 12. The applicant shall obtain a license from the State Department of Alcoholic Beverage
142 Control prior to operation.
143
144 13. The permit holder shall permit the City of Calistoga or representative(s) or designee(s) to
145 make periodic inspections at any reasonable time deemed necessary in order to assure that
146 the activity being performed under authority of this permit is in accordance with the terms
147 and conditions prescribed herein.
148
149 14. The Planning Commission may revoke the permit in the future if the Commission finds
150 that the use to which the permit is put is detrimental to the health, safety, comfort and
151 welfare of the public, or constitutes a nuisance.
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153 15. This permit shall be null and void if not used by October 13, 2011, or if the use is abandoned
154 for a period of 180 days.
155

156 **PASSED, APPROVED AND ADOPTED** on October 13, 2010, by the following vote
157 of the Calistoga Planning Commission:
158

159
160 AYES:
161 NOES:
162 ABSENT/ABSTAIN:

163
164 _____
165 JEFF MANFREDI, CHAIRMAN

166 ATTEST: _____
167 Kathleen Guill
168 Secretary to the Planning Commission
169