

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

DATE: OCTOBER 13, 2010

**SUBJECT: RIOS & OCHOA WINE RETAIL AND TASTING FACILITY
1307-A LINCOLN AVENUE (APN 011-221-027)**

1 **REQUEST:** Consideration of Conditional Use Permit application to establish retail wine sales,
2 including wine tasting and wine education in an existing 1,200 square foot commercial space
3 located at 1307-A Lincoln Avenue (APN 011-221-027) within the “DC-DD”, Downtown
4 Commercial-Design District Overlay Zoning District. Live entertainment and/or amplified music
5 is also proposed to occur periodically.

6
7 **BACKGROUND:** On November 28, 2007, the Planning Commission approved Conditional
8 Use Permit (U 2007-10) and Design Review (DR 2007-11) applications to allow interior division
9 of an approximately 2,342 square foot commercial space into two (2) separately leasable spaces
10 of 1,266 square feet and 1,040 square feet respectively.

11
12 In March, 2008, a women’s clothing store (“Three Sisters”) moved into Suite ‘A’, the larger of
13 the two approved tenant spaces. Just recently, *Three Sisters* ceased operations and vacated the
14 premises making the space available for the Rios & Ochoa wine tasting and retail establishment.

15
16 The adjoining space, Suite ‘B’ is currently occupied by W.H. Smith Wines, a wine tasting room
17 and wine education center. W.H. Smith opened this facility in the summer of 2009.



[Photo] View of Store Frontage along Lincoln Avenue

31 **PROPOSAL:** On August 13, 2010 an application was submitted by Rafael Rios, on behalf of
32 Rios Wine Company LLC and Ochoa Vineyard Management LLC to open a new retail wine
33 tasting establishment. The business will occupy the vacant 1,200 square foot commercial space
34 that exists in the northerly portion of the building. The submitted floor plans (Attachment 5)
35 indicate that the space will be divided into two primary areas, including: retail sales and tasting
36 area and an office/storage area.

37
38 The business will provide wine tasting under a Duplicate-02 Wine Grower license held by the
39 Rios Wine Company LLC and Ochoa Vineyard Management LCC. The majority of the business
40 will be retail sales of items related to wine education and wine brand promotion.

41
42 Retail sales and tasting will occur seven days a week from 10 a.m. to 6 p.m. with extended hours
43 (to 10 p.m.) on days when there are special city wide events or festivals, special holiday hours,
44 and new wine release parties.. Outdoor seating is proposed under two covered patio spaces
45 located near the front entry and at the rear of the structure.



59 (P) 1307-A, Outdoor Patio Seating near Front Entry



60 (P) 1307-A, Outdoor Patio Seating at Rear of Structure

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62 **STAFF ANALYSIS**

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64 **A. Land Use**

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66 **General Plan:** The subject property has a General Plan land use designation of Downtown
67 Commercial. Objective LU-1.1 of the Land Use Element in the General Plan is to enhance and
68 maintain the vibrancy of the downtown. Implementing Policy P2 calls for commercial
69 development to be focused in the downtown area (where they are accessible to residents and
70 tourists). Implementing Policy P5 encourages infill development over peripheral development.
71 The proposed establishment is consistent with these General Plan objectives and policies as it is
72 located in the central downtown area on Lincoln Avenue, is anticipated to contribute to the vibrancy
73 and diversity of uses in the downtown area, and is occupying an existing commercial space.

74

75 Zoning

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77 The subject property is located within the Downtown Commercial-Design District overlay (DC-
78 DD) zoning district. The DC-DD zoning district implements the Downtown Commercial
79 General Plan land use designation. Section 17.22.040(B)(20) of the Zoning Ordinance requires
80 Use Permit approval by the Planning Commission for wine and liquor sales, including tasting
81 facilities. Additionally, live entertainment may be authorized pursuant to Section 17.22.040(B)(16)
82 upon securing a use permit. Compliance with the required findings for Use Permit approval is
83 discussed later in this staff report.

84

85 Section 17.28.020 (B)(1) of the Design District overlay requires Design Review approval for all
86 uses requiring a Use Permit in the DC zoning district. Because there are no proposed exterior
87 modifications, there are no substantial design issues to be reviewed, staff is recommending that
88 the requirement for Design Review approval be waived per Section 17.06.020(B)(2) of the
89 Zoning Ordinance.

90

91 **B. Parking**

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93 There are 12 off-street parking spaces (including one accessible parking space) located in the
94 northern portion of the subject site. These spaces would be shared by both commercial uses in
95 the building. Staff finds that there are an appropriate amount of parking spaces to meet the Code
96 requirements and the space needs.

97

98 **E. Growth Management**

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100 This property carries water and wastewater baselines of .142 and .128 ac-ft/year respectively.
101 Given this, staff believes that the current allocation of water and wastewater is sufficient to
102 accommodate the existing and proposed wine related uses, based upon the City's standardized
103 use tables (Resolution No. 99-65). No additional allocation is required at this time.

104

105 **FINDINGS**

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

109

110 **Findings for Use Permit Approval (CMC 17.40.070):**

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

116

117 Response: The property is located within the Downtown Commercial land use
118 designation and the "DC-DD", Downtown Commercial-Design District overlay zoning

119 district. The proposed use is consistent with the policies, objectives and actions of the
120 General Plan and will comply with the applicable provisions of the Zoning Ordinance.

121

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

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

127

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

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

133

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

137

138 Response: No adverse impacts to water and wastewater will occur as a result of this
139 project. The current allocation for water and wastewater is sufficient to accommodate the
140 proposed retail wine sales, tasting and educational use.

141

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

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

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

150

151 Response: A new allocation for water and/or wastewater service is not required for the
152 proposed use. No increase in water consumption or wastewater generation is anticipated
153 by this proposal.

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

157

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

163
164 8. The proposed development is consistent with and will enhance Calistoga's history of
165 independent, unique, and single location businesses, thus contributing to the uniqueness
166 of the town, which is necessary to maintain a viable visitor industry in Calistoga and to
167 preserve its economy.

168
169 Response: The architectural design, location, height and size of the structure will retain
170 the character of the community by preserving the existing architectural features and
171 layout of the property.

172
173 9. The proposed development complements and enhances the architectural integrity and
174 eclectic combination of architectural styles of Calistoga.

175
176 Response: No exterior physical changes will occur to the exterior of any buildings on the
177 site as a result of this application (see response under No. 8 above).

178
179 **ENVIRONMENTAL REVIEW**

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181 Under the provisions of Section 15332, In-Fill Development, of the State Guidelines for
182 Implementation of the California Environmental Quality Act (CEQA) as stated below, this
183 project is found to be exempt from the environmental review requirements of Chapter 19.10 of
184 the Calistoga Municipal Code, implementing the California Environmental Quality Act of 1970,
185 as amended in that; 1) the proposal is consistent with the General Plan and Zoning District, 2) the
186 subject site is less than five acres and is surrounding by urban uses, 3) approval of the project
187 would not result in any significant effects relating to traffic, noise, air quality or water quality,
188 and 4) the site can be adequately served by all required utilities and public services.

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190 **RECOMMENDATIONS**

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192 A. Based upon the above findings, staff recommends the filing of a Notice of Exemption for
193 the Project pursuant to Section 15332 of the CEQA Guidelines.

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195 B. Based upon the above findings, staff recommends approval of a Conditional Use Permit
196 (U 2010-06) to allow retail wine sales, including wine tasting and wine education in an
197 existing 1,200 square foot commercial space located at 1307-A Lincoln Avenue (APN
198 011-221-027) within the "DC-DD", Downtown Commercial-Design District zoning
199 district.

200
201 C. Based upon the above findings and pursuant to Section 17.06.020(B)(2) of the Zoning
202 Ordinance, staff recommends that the requirement for Design Review approval be waived
203 because there are no substantial design issues to be reviewed.

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208 **SUGGESTED MOTIONS**

209 Categorical Exemption

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211 I move that the Planning Commission direct Staff to file a Notice of Exemption for the Project
212 pursuant to Section 15332 of the CEQA Guidelines as a Class 1 Exemption.

213

214 Conditional Use Permit

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216 I move that the Planning Commission adopt Resolution PC 2010-15 approving Conditional Use
217 Permit (U 2010-06) to allow retail wine sales, including wine tasting and wine education in an
218 existing 1,200 square foot commercial space located at 1307-A Lincoln Avenue (APN 011-221-
219 027) within the “DC-DD”, Downtown Commercial-Design District zoning district, based upon
220 the findings provided in the Resolution and subject to conditions of approval.

221

222 **ATTACHMENTS**

223

- 224 1. Vicinity Map
- 225 2. Draft PC Resolution 2010-15
- 226 3. California Department of Alcoholic Beverage Control License Query as of October 4, 2010
- 227 4. Written Project Narrative received August 13, 2010
- 228 5. Site Plan and Floor Plans

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