

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2019-XX**

**APPROVING USE PERMIT UP 2019-13 ALLOWING BEER AND WINE SALES, AND
A WALKAWAY FOOD BUSINESS WITHIN AN EXISTING INN LOCATED AT 109
WAPPO AVENUE**

1
2 **WHEREAS**, on July 24, 2019, Carl Dene on behalf of Brannan Cottage Inn,
3 submitted a request for a use permit in order to allow off-sale retail beer and wine sales,
4 and a walkaway food business within an existing inn located at 109 Wappo Avenue; and

5 **WHEREAS**, the Planning Commission considered this request at its regular
6 meeting of August 28, 2019. Prior to taking action on the application, the Planning
7 Commission received written and oral reports by the staff, and received public
8 testimony; and

9 **WHEREAS**, this action has been reviewed for compliance with the California
10 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
11 pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and

12 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.030.D has
13 made the following use permit findings for the project:

14 1. Finding: The proposed uses are in accord with the General Plan and any
15 applicable planned development.

16 Supporting Evidence: The proposed uses are consistent with the goals and
17 policies of the Calistoga General Plan in that they represent allowable uses in an
18 existing inn in a strategic location on the northern edge of the downtown. The
19 added off-sale retail beer and wine sales, and the walkaway food business would
20 complement the existing mix of uses in the vicinity.

21 2. Finding: Is in accord with all provisions of this title.

22 Supporting Evidence: The site is physically suitable for the type and intensity of
23 uses in that they will occupy only one room of an existing structure and are
24 primarily retail-based. The type of uses contemplated are allowed by use permit
25 in this district by the Zoning Code.

26 3. Finding: Will not substantially impair or interfere with the development, use or
27 enjoyment of other property in the vicinity.

28 Supporting Evidence: This is an existing downtown inn adding complementary
29 uses that will be conducted indoors in existing floor space. These uses already
30 exist in several other locations downtown. The limited hours of the uses will
31 minimize any possible conflict with nearby residences. There will not be
32 excessive noise, lighting, or any other operating characteristics associated with
33 the uses that will interfere with surrounding properties.

34 4. Finding: The proposed development is consistent with and will enhance
35 Calistoga's history of independent, unique, and single location businesses, thus

36 contributing to the uniqueness of the town, which is necessary to maintain a
37 viable visitor industry in Calistoga and to preserve its economy.

38 Supporting Evidence: The re-use of this existing space in a historic downtown inn
39 would be consistent with Calistoga's sense of independent and unique single-
40 location businesses. This locally owned inn, which has been in operation for 35
41 years, would be enhanced by complementary uses that will make this historic
42 property more accessible to the general public. The proposed uses - wine and
43 beer sales with a walkaway food business - would enhance the experience for
44 visitors to the city and make a meaningful contribution to the City's fiscal vitality.

45 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
46 Commission that based on the above findings, the Planning Commission approves the
47 proposed uses, subject to the following conditions of approval:

- 48 1. The uses hereby permitted shall substantially conform to the project descriptions
49 and supporting documents received July 24, 2019 by the Planning and Building
50 Department, except as noted in the permit conditions. This use permit allows
51 retail wine and beer sales, and a walkaway food business within the existing inn.
52 This use permit does not allow live entertainment, as defined per CMC Section
53 17.04.395.
- 54 2. Any expansion or change of use on the property shall require an amendment
55 subject to use permit review as determined by the Planning and Building
56 Department. Minor modifications may be approved in writing by the Planning and
57 Building Director.
- 58 3. No signage is specifically approved as a result of this approval. All signage shall
59 be subject to the approval of the Planning and Building Director.
- 60 4. This permit shall be null and void if not used within a year, or if any of the uses
61 are abandoned for a period of one hundred and eighty (180) days. Once the uses
62 are initiated, this permit shall be valid until it expires or is revoked pursuant to the
63 terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 64 5. This use permit does not abridge or supersede the regulatory powers or permit
65 requirements of any federal, state or local agency, special district or department
66 which may retain regulatory or advisory function as specified by statute or
67 ordinance. The applicant shall obtain permits as may be required from each
68 agency.
- 69 6. A building permit shall be obtained for any construction occurring on the site not
70 otherwise exempt by the California Building Code or any state or local
71 amendment adopted thereto.
- 72 7. All conditions associated with previous entitlements for this property shall remain
73 in effect unless specifically modified by this use permit.
- 74 8. Prior to the commencement of the approved uses, the rear parking lot shall be
75 restriped to accommodate seven (7) vehicular spaces.

ADOPTED on August 28, 2019 by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Paul Coates, Chair

ATTEST: _____
Lynn Goldberg, Secretary