

City of Calistoga

Staff Report

TO Honorable Mayor and City Council
FROM Erik V. Lundquist, Senior Planner
DATE November 15, 2016
SUBJECT Second Reading of Ordinance No. 726

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Consideration of a zoning ordinance text amendment deleting the requirement
2 for a primary agricultural use in order to expand a winery on the property located at 333
3 Silverado Trail, within the Planned Development District PD 2002-2.

4 **RECOMMENDATION:** Adopt Ordinance No. 726 as submitted

5 **BACKGROUND:** On November 1, 2016, following a public hearing, the City Council
6 introduced and waived the first reading of the attached ordinance.

ATTACHMENT

- 1. Ordinance No. 726

ORDINANCE NO. 726

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING ARTICLE II, PD 2002-2 WITHIN CHAPTER 17.24 OF THE ZONING CODE (ZOA 2015-9)

1 **WHEREAS**, the subject property was rezoned on November 6, 2002 from a
2 general Planned Development District to a unique Planned Development District, PD
3 2002-2; and

4 **WHEREAS**, PD 2002-2 allows a winery as a conditionally-permitted use,
5 provided that the use is subordinate to a primary agricultural use on the parcel; and

6 **WHEREAS**, on June 7, 2016, Mark Aubert submitted an application requesting
7 an amendment to the PD 2002-2 District to remove the requirement for a winery to be
8 subordinate to a primary agricultural use on APN 011-050-031 within the PD 2002-2
9 District; and

10 **WHEREAS**, the property is located within the Rural Residential land use
11 designation whereby wineries may occur with a discretionary permit; and

12 **WHEREAS**, the property is within the Silverado Trail Planned Development
13 Overlay, which states that wineries and retail wine sales are allowed, "*provided that*
14 *these uses are clearly subordinate to the primary agricultural use*", which addresses the
15 land use cumulative properties within the Overlay rather than parcel specific.

16 **WHEREAS**, the Aubert Winery, in addition to the other developments in the
17 surrounding area, provides an adequate mix of uses and agricultural uses are still the
18 predominate use in the surrounding area and, therefore, the amendment is not
19 inconsistent with the General Plan; and

20 **WHEREAS**, the Planning Commission reviewed the proposed Code amendment
21 at public hearings on July 27, 2016 and September 28, 2016 and after considering the
22 public record, including the staff report and findings, adopted PC Resolution 2016-14
23 forwarding a recommendation that the City Council approve the proposed Code
24 amendment; and

25 **WHEREAS**, the proposed amendment is not subject to the California
26 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines
27 because it can be seen with certainty that there is no possibility that it may have a
28 significant effect on the environment.

29 **WHEREAS**, the City Council of the City of Calistoga reviewed and considered
30 this ordinance at a public hearing on November 1, 2016, noticed in accordance with
31 state and local law, and which included the written and oral staff report, the Planning
32 Commission's recommendation and comments received from the general public and
33 interested agencies and parties.

34 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
35 **ORDAIN AS FOLLOWS:**

37 **SECTION ONE**

38 Findings. The above recitals are incorporated herein as if set forth herein in full
39 and each is relied upon independently by the City Council for its adoption of this
40 ordinance.

41 **SECTION TWO**

42 Article II of CMC Chapter 17.24 Planned Development District is hereby
43 amended as follows:

44 **Article II.**

45 **PD 2002-2, Maxfield**

46 **Planned Development District**

47 **17.24.120 Purpose**

48 This Planned Development District regulates development of a two-acre parcel of
49 land located at 333 Silverado Trail (APN 011-050-031), and a 7.37 acre parcel of land
50 located at 345 Silverado Trail (APN 011-050-032), as shown on the Zoning Map of the
51 City of Calistoga, California dated February 5, 1991, as amended. The “PD 2002-2
52 Maxfield Planned Development District” is important to the community, as it contains
53 two large parcels located at a key entrance to town in an area of outstanding natural
54 beauty and surrounded by open space and Mt. Washington as a unique backdrop.
55 Therefore, development of this Planned Development District shall be visually sensitive
56 to the rural scale of the parcel and its surroundings. Unless otherwise provided below,
57 all proposed uses in this Planned Development District shall require a use permit.
58 Development shall be in conformance with the following regulations.

59 **17.24.130 Uses Allowed**

60 A. Uses allowed without a use permit:

- 61 1. Home occupations in accordance with Chapter 17.21;
62 2. In APN 011-050-031, light agricultural uses including, but not limited to,
63 horticulture, floriculture, viticulture, apiaries, and related uses, not to include stockyards
64 or commercial feeding of animals.
65 3. Uses determined by the Planning Commission to be similar in nature,
66 as provided in the procedures in Chapter 17.02;

67 B. Uses allowed with a use permit:

- 68 1. One single-family dwelling;
69 2. One second dwelling unit in accordance with Chapter 17.37;
70 3. In APN 011-050-031, wineries and bottling operations;
71 4. Uses determined by the Planning Commission to be similar in nature
72 as provided in the procedures in Chapter 17.02;

73 C. Allowed accessory uses: accessory buildings and uses that are clearly
74 incidental and subordinate to the main use, such as a detached garage, storage shed,
75 workshop, or similar building, provided that no accessory use shall be established or
76 accessory building constructed prior to the construction of a main building, or on a lot
77 separate from the main building. Minimum setbacks for accessory buildings and
78 structures shall comply with the standards provided in Chapter 17.38, except that no
79 accessory building or structure shall be located in the required front setback.

80 D. Prohibited uses: Uses not specified in subsections A through C of this
81 section are prohibited.

82 **17.24.140 Height Limits**

83 The height of buildings and structures in APN 011-050-031 shall be no greater
84 than thirty (30) feet, unless otherwise provided in Chapter 17.38. The height of buildings
85 and structures in APN 011-050-032 shall be no greater than 28 feet, unless otherwise
86 provided in Chapter 17.38.

87 **17.24.150 Development Regulations**

88 A. Minimum lot area and lot dimensions in APN 011-050-031 shall be:

- 89 1. Lot area: 2 acres;
90 2. Lot width: 200 feet average;
91 3. Lot depth: 400 feet.

92 B. Minimum lot area in APN 011-050-032 shall be:

- 93 1. Lot area: 7.37 acres.

94 C. Minimum setbacks shall be as follows, unless otherwise provided in this
95 section:

- 96 1. Front yard: 20 feet;
97 2. Side yard: 10 feet, except that structures exceeding 15 feet in height
98 shall not have a side yard setback less than one-half the height of the building. In no
99 case shall a side yard be less than 10 feet or required to be more than 20 feet;
100 3. Rear yard: 20 feet.

101 D. Lot Coverage

102 Maximum coverage of a lot by all buildings or structures, including accessory
103 structures shall be 25 percent.

104 E. Parking Requirements

105 Unless otherwise provided in an approved use permit or planned development
106 permit, on-site parking, loading and circulation shall comply with the standards
107 contained in Chapter 17.36 of this Title. 17.24.160

