



3/16/12

Chairman Manfredi and Planning Commissioners

I am writing to you in regards to the proposed Brian Arden Winery to be built at the entry corridor on the Silverado Trail. First, I want to make it clear that I am not a person opposed to wineries nor new growth and economic benefit to the City of Calistoga. I am, however, a person who respects the City's General Plan and because of the nature of this project and its clear violation of the General Plan that I must oppose the Arden project at the current proposed location.

The entry corridors are extremely important assets to the Calistoga community. The corridors are the welcome mat to our town. Past community leaders and citizens foresaw these valuable assets (entry corridors) and worked tirelessly to protect them when they revised the General Plan.

In particular, the framers went in to detail when they described the community's desire for the Maxfield/Adams Beverage Company properties. There were ten issues that the General Plan asks that applicants should address before development within the Maxfield/Adams properties. I won't cite them here, but I respectfully ask the Commission as well as Staff to review these issues when addressing the Arden project. I believe that this project has not satisfied those issues in which the General Plan has asked them to address.


Within the Maxfield/Adams section of the General Plan, it states: "Agriculture uses may include, but are not limited to, horticulture, floriculture, viticulture, apiaries, and similar uses (excluding stockyards or commercial feeding of animals), and related uses such as wineries and retail wine sales, provided that these uses are clearly subordinate to the primary agricultural use. Development of these parcels **SHALL** be varied and **SHALL NOT** include a single land use or predominant use such as visitor accommodations or wineries on each lot." LU 30.

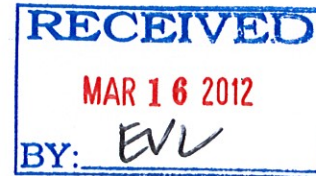
There was talk at a previous Planning Commission meeting as to whether the City was treading on a taking of the property if it enforced the above language. If you read the language it states "a single land use **OR** predominant use such as visitor accommodations or wineries." The framers of the General Plan were worried that the entry corridor could become a row of wineries or visitor accommodations (which is what it is becoming). The language should have been worded better but the intent seems clear that the framers and citizens didn't want to see multiple wineries as they entered Calistoga. They wanted some variation. I think there is room for other uses besides visitor accommodations or wineries and still fall under the guidelines of the General Plan.

My last point and one that seems to be the most critical is when the General Plan states, "Due to Mount Washington's visual and open space significance, private construction on its slopes **SHALL BE PROHIBITED**." LU 31. I don't think the General Plan could be more clear on this issue. The proposed project is to be built on the slope of Mt. Washington. This is a CLEAR violation of the General Plan.

In conclusion, I ask that the Commission please respect the direction the General Plan has given. The General Plan is a document that I hope we will continue to respect as a guideline to future development within our City. It was created by this City's citizenry and therefore is the will of this City's citizenry.

Respectfully,

  
 matthew moye  
 1718 Mora Ave



March 15, 2012

Mr. Erik V. Lundquist  
Senior Planner  
**City of Calistoga**  
1232 Washington Street  
Calistoga, CA 94515

**RE: Proposed Brian Arden Winery off Silverado Trail at APN 011-050-030**

Dear Mr. Lundquist:

We strongly oppose the Mitigated Negative Declaration and the Use Permit that is under consideration for the Brian Arden Winery. My wife Laurie and I reside at 30 Rosedale Road and have called Calistoga home for the past eight years.

We will be the first residents to admit that development, new business and growth are important for the viability of Calistoga. We understand the necessity for thoughtful, cautious, planning with a long term perspective that takes into consideration the sum of the all the parts and not simply one part of a plan. Commercial planning should strike a balance between being fair to existing businesses that have already made investments in our community and having to make economic and visual sense for the community as a whole.

Successful urban planning, like successful companies, pays critical attention to properly developing valued and unique resources that help establish sustainable performance for our town. We are not opposed to a new winery coming to Calistoga; *we are opposed to one of this size coming to this site.*

Please consider the following as you evaluate the Brian Arden Winery project on the Silverado Trail:

- 1. Zoning:** This project does not conform to the 2003 General Plan guidelines, Maxfield-Adams Planned Development or the Entry Corridor plans. The purpose of the guidelines/plans is to ensure ill conceived projects do not get approved in our town. While some may argue these plans/guidelines are open to interpretation, previous submitted projects for the site in question have been rejected on the basis of the same attributes of the Brian Arden project (e.g., square footage, scale, two story building). In our opinion the Brian Arden Winery is ill-conceived; we hope the City is consistent in denying this project with these same precedents.
- 2. Entry Corridor:** At the moment, there is a 25 acre hotel development (including a winery) located across the street from the proposed Brian Arden Winery project. It is important to note that this development replaces an existing hotel/winery. In our opinion, the new hotel project should be completed first, then an assessment on traffic etc. be evaluated prior to any other projects in the area being approved. The additional time is warranted by the fact that this area is an entry corridor with hotels, wineries operating and/or in process (i.e. Solage, Aubert Winery, Lava Vine).
- 3. Size:** The relative size of this project is out of scale given the lot size and adjacent Aubert Winery. The initial concept of a 16,500 sf project was universally rejected by the community and the planning hearing. By the second planning meeting the size

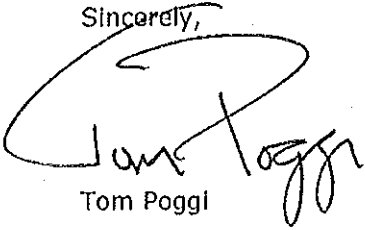
was reduced to 13,990 sf (still too large) and at the present time, the proposed winery is a 15,492 sf project. It appears that the Brian Arden team has no intention of giving consideration to planning commission comments. What is the purpose of having a public planning process when the recommendations of that process are completely ignored?

4. **Community Support:** There appears to be very little, if any, community and neighborhood support for this project. Our neighbors do not support this project. We only need to look around our town and surrounding area to see what happens to businesses absent local support. To recommend a development that does not have the support of the community is irresponsible.
5. **Storm Water:** It is our understanding that the Brian Arden project presents a challenge to neighboring properties given the potential for storm water run-off. Given the amount of projects (actual/planned) in the area, it is prudent the City take a conservative approach in the approval process of these projects. Between the Water Tank Project currently underway on Mt. Washington and the remodel of the Silver Rose site across the street, every effort needs to be made to ensure existing farm lands and businesses in this area are not impacted by storm water runoff from any of the developments.
6. **Consideration to the Neighbors:** Approval of this project would be unfair to Aubert Winery who has made a substantial investment to purchase and improve the property on which their winery is located. The Aubert's played by the rules of the General Plan and Maxfield-Adams limitations and for doing so might be "rewarded" with having an out of scale winery placed in front of their business while sharing the same driveway? Aubert Winery is an 8,000 sf building and it is ridiculous that a project of over 15,000 sf be elevated and placed in front of it. Approval of this type of structure in this location should certainly alarm other business owners who have made substantial investments in our town and would be a warning to others who are considering similar investments in Calistoga.
7. **Traffic Issues:** According to figures in the traffic study for the proposed new Silver Rose, that project will generate a total of 1,390 daily trips by car a day which is 1,163 more daily trips than the current use. The traffic in this area has already experienced a large increase in recent years with the addition of Solage. Now we have a proposed oversized winery wanting to go in directly across the street which also wants to host events. This amount of increased cars, trucks, winery vehicles, bikes and pedestrians in such a small area of town is a major accident waiting to happen. This type of traffic does not conjure up small town character/rural atmosphere which is Calistoga's key differentiator among other Napa Valley destinations. Will this be where the first traffic light on the Silverado Trail is located?
8. **Grape Growers Ordinance:** We are aware Calistoga is looking to adapt a measure similar to Napa County by insuring that winery/tasting rooms use at least 75% from Napa County in the wine they serve. Who is going to monitor this requirement and what are the penalties to those who violate it? It would seem that approval of such projects like this would need to have this as one of the contingencies that must be met prior to any approval. In looking at the Brian Arden website, only one of their four wines has Napa Valley grapes. Calistoga fought hard for the AVA designation and must protect it.

We hope the City of Callstoga will take a common sense approach in the approval of projects that will have such an impact on the very things that make Callstoga a special place. Given the numerous developments that are seeking approval in our neighborhood, it would seem prudent to prioritize them in a sequence that allows existing projects already in place to be given a preference so we all can fully understand the ramifications they will have on our town before approving any new projects.

This new project clearly fails for the reasons listed above and certainly does not meet the goal of common sense development. Please reject the Brian Arden Winery application and do not allow this winery to proceed at this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Poggi". The signature is written in a cursive style with a large, sweeping initial "T" that loops back over the rest of the name.

Tom Poggi

## Erik Lundquist

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**From:** Jeffrey Myers [klagnon@hotmail.com]  
**Sent:** Friday, March 16, 2012 12:14 PM  
**To:** Erik Lundquist  
**Cc:** brian@briardenwines.com  
**Subject:** Brian Arden Winery Project



Mr. Lundquist,

I am a resident of Calistoga and a neighbor of the proposed Arden Winery project and I SUPPORT Brian Harlan's plan. I drive through the area in question each morning and on my way home from work and generally prefer the Silverado Trail scenic route. I have witnessed the changes over the past few years after the addition of The Solage resort and have recently heard news of the proposed Silver Rose (luxury resort/211,000 sq. ft.) to move in soon across the street from Aubert/Harlan lot. Thus far, the negative impact of this zone (traffic/visuals) has been minor to none with the exception of the current water tank construction work/workers.

In general, I am a proponent of "slow-growth" projects and admire Calistoga for keeping the folksy country appeal that so many have come to expect when visiting Napa's north valley. That said, the addition of the Brian Arden Winery perhaps upholds the integrity of such a commitment MORESO than the larger and more expansive resort plan models previously accepted/approved. Brian's current proposal as I understand it has followed legal requirements and has tailored plans to suit neighbor concerns and past approval by Planning Commission. Tucked artfully into the hillside, the design and positioning of the development is small/modest/charming and unobtrusive and will be a desirable addition to the landscape's future.

Sincerely,  
Clay Myers



March 15, 2012

Chairman Jeff Manfredi  
 Commissioners Nicholas Kite, Paula Coates, Carol Bush and Walter Kusener  
 c/o Erik Lundquist  
 City of Calistoga  
 1232 Washington Street  
 Calistoga, CA 94515

Re: Brian Arden Winery Project Opposition

Dear Chairman Manfredi and Commissioners Kite, Coates, Bush and Kusener:

I am writing to you to oppose the Brian Arden Winery application. In our view, this project violates the 2003 General Plan, Maxfield Adams Planned Development and Entry Corridor overlays that are set forth in the General Plan.

As you know, Solage is part of the Maxfield Adams Planned Development and had to conform to all of the various land use designations and requirements that were set forth in the Maxfield Adams PD and Entry Corridor Overlay. The Brian Arden Winery application does not conform to the following Maxfield Adams PD and Entry Corridor Overlays in the General Plan for the following reasons:

- Development should be of a scale subordinate to agricultural uses of properties located at these entry corridors.
  - The Brian Arden winery proposal is just too massive for this small parcel.
- New buildings should reflect small-scale, low-rise design characteristics with an understated visual appearance and should maintain existing small town rural and open space qualities.
  - The Brian Arden winery proposal is neither small-scale nor low-rise in design. The parking lot is visible from the Silverado Trail.
- The Maxfield Adams PD clearly states that wineries maybe permitted provided that these uses are clearly subordinate to the primary agricultural use. The Brian Arden Winery shows little resemblance to being small scale winery that is subordinate to agricultural uses. Also, this project does not conform to the following Maxfield Adams PD requirements:
  - There is no landscaped setback from the Silverado Trail and parking is visible.
  - This project appears to be graded into Mount Washington's slopes; private construction on Mount Washington is prohibited.
  - This project has a significant impact on adjacent land uses, including appropriate siting of noise generators, lighting, and building location, height and style. The large-scale winery and related parking lot will significantly impact adjacent businesses.

In summary, we respectfully request that this winery application be denied.

Sincerely,

Mark Harmon  
 Chief Executive Officer



## Erik Lundquist

**From:** Merrill Lindquist [merrill@emhvineyards.com]  
**Sent:** Friday, March 16, 2012 3:51 PM  
**To:** Erik Lundquist  
**Subject:** Brian Arden Winery application

Please confirm receipt of this email for consideration at the March 21, 2012 Planning Commission meeting. Thank you.  
Erik V. Lundquist  
Senior Planner  
City of Calistoga  
Planning and Building Department  
1232 Washington Street  
Calistoga, CA 94515

Dear Mr. Lundquist:

I have reviewed the Brian Arden Project Application dated November 22, 2011, and have the following comments:

--The "stacking" of the proposed buildings in front of the existing Aubert Winery is consistent with imagery from Silicon Valley, not our small town of Calistoga. Look at the Santa Clara/Sunnyvale area and see what has replaced their fruit orchards and semi-rural style of life. Even extending up through the Menlo Park area, look at how "flag lots" have contributed to the sense of overcrowding and to overall traffic. Two or more buildings now exist on many lots that used to contain one cottage-styled building. The ability to view a rainbow or a sunset is long-forgotten as shared driveways and too many buildings per square foot of land have proliferated.

--The current plan calls for 12 parking spaces. Assuming the 4 weekday employees each take one space, how can the Arden winery handle the additional heads associated with crush activities? They anticipate more than 15% of the calendar year will be devoted to crush activity, yet the parking is based on 1 employee for the winery operations. I would love to understand how one person alone can take in and crush enough tonnage to support a 10,000 case production. Are the Arden owners not going to take up spaces as well? The overflow will be infringing upon Aubert's space, and likely blocking the shared driveway and overflowing on to the Trail. And where did the Limo parking from earlier plans end up? Have you ever tried to park in a lot where a limo is standing and waiting for its clients? They can easily take up 4 spaces.

--What happened to the plan to have weddings at the winery? Have the Arden folks simply removed mention of that plan in order to draw interest over to the vines they intend to plant to appear "agriculturally oriented?" And to my point above, if weddings are still planned, where is the parking for those events? And where in their plans do they describe noise levels associated with these activities?

This is the second set of revised plans for the Arden project that I have reviewed. Each time the information and detail provided gets slimmer, although I don't honestly feel that the paring down reflects the Arden owners' intentions. A 10,000 case winery is NOT a small winery by our standards here in the Valley, and it is NOT a small operation capable of being comfortably set at the proposed location.

I would urge the Planning Department to take a closer look at the omissions in the current Arden plans, and to not rush to approve only what is stated.

In addition, prime consideration should be given to the concerns voiced by the Luvisis and the other parties who are rightfully questioning the storm water flow issues. There appear to be significant risks in this area, and the people providing expert opinions should be listened to carefully.

I look forward to seeing these and other issues addressed in the meeting on March 21<sup>st</sup>.

Sincere regards-

***Merrill Lindquist, owner***

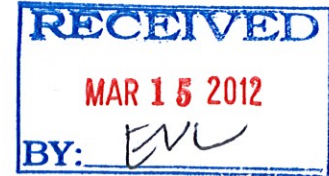
EMH Vineyards  
25 Rosedale Road  
Calistoga, CA 94515  
707-942-1393  
[www.emhvineyards.com](http://www.emhvineyards.com)



**Erik Lundquist**

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**From:** Gary Wooton [gewooton@interx.net]  
**Sent:** Friday, March 16, 2012 3:41 PM  
**To:** Erik Lundquist  
**Cc:** 'Adam McClary'  
**Subject:** Brian Arden Wines



Mr. Lundquist

I have been watching the permitting process for the Brian Arden Winery with some interest. I have been involved with land use issues in the Napa Valley since 1982 and have seen many instances of folks throwing blocks in the way of other folks efforts to create something that will be of benefit for themselves and the community they live and work in. This seems to be another of those instances. The principals in this instance have complied with every requirement for a new winery and exceeded the requirements in many ways. It seems to me that there is no logical or legal reason to deny the issuance of the permit. Furthermore, It is possible that to deny the applicant would place the community at risk. I respectfully ask that this project be approved.

Gary Wooton  
Airport Land Use Commissioner  
Winemaker and CEO Avatar Vintners Inc.



March 16, 2012

Erik V. Lundquist  
Senior Planner  
Calistoga, Ca 94515

Re: Brian Arden Winery,

Dear Mr. Lundquist,

We would like to voice our concern with the proposed winery of Brian Arden Winery.

Aubert winery opposition items:

1. After reviewing the Bartelt Engineering letter dated February 14, 2012, #11-22 for the Brian Arden Winery APN 011-050-030. We would like to ask that the concerns pertaining to this letter be addressed prior to this project moving any further in the approval process. Being down stream from this project could also have impacts on us during heavy rain events.
2. Comments from the Planning Commission's Conceptual Design Review (CDR) #2 for Brian Arden Winery. Planning Commission noted the following concerns: Height of the proposed building, parking and its impact, the crush pad, winery events contemplated for the project, and the effect this project has on Entry Corridor.

Did the Brian Arden Winery do anything to address these concerns? Does the floor elevation really need to be raised higher than existing elevations? If it does, is it the right project for this Entry Corridor? Is the project just too large for the size of the parcel? If the winery feels they can't reduce the size of the winery financially, maybe they are building on the wrong parcel.

3. Landscaping at the proposed winery is an issue for the Aubert Winery, blocking their view etc. Landscaping at the Entry Corridor of the city is a concern to everyone that lives in Calistoga. Has the city addressed the visual issue as far as requiring dirt mounds with landscaping and trees to provide more visual relief to the corridor? Obviously, lowering the height of the winery would have a huge impact for the Aubert Winery and driving down Silverado Trail.

Let's make sure this is a good project for the city of Calistoga and that it hold to the highest standards possible.

Best regards,

Curtis & Jillian Helmer  
345 Silverado Trail  
Calistoga Ca. 94515



KRISTIN MARTIN  
DESIGN

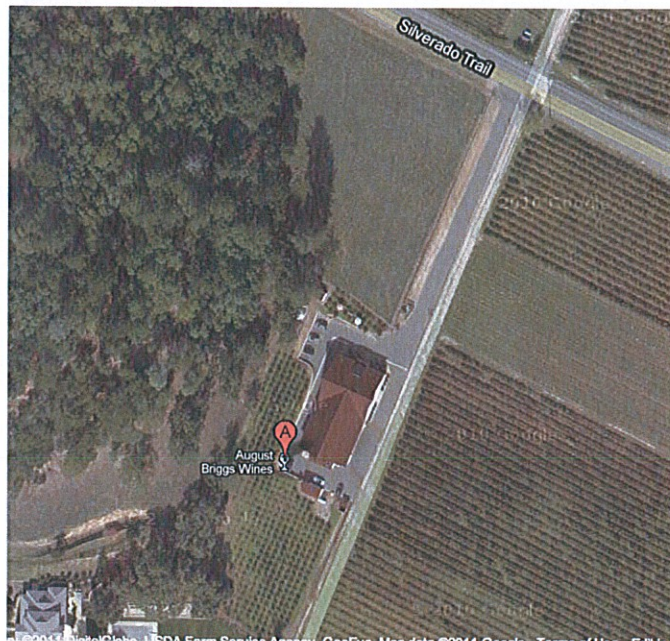


March 16, 2012

To the City of Calistoga Planning Commission,

I am writing to you to once again to express my concerns about the Brian Arden Winery proposal and reiterate my concerns from my July 8, 2011 letter.

Allowing the property to be a winery site is a very dangerous slippery slope. This would mean having two wineries basically on top of each other and sharing a driveway. Where else in the valley can you find this kind of close proximity? If you allow this, your city will be down a road of no return on wineries butting up to each other taking away from the rural charm of Calistoga. In addition, it seems very clear that having two wineries so close together goes against the general plan. The Maxfield/Adams Planned Development specifically states: *"Development of these parcels shall be varied and shall not include a single land use or predominant use such as visitor accommodations or wineries on each lot; and a balance of uses among various parts of the site."* As you can see by the picture below, both parcels are too small and too close together for each parcel to have a winery.



1723 Dean York Lane, St. Helena, CA 94574  
 kristin@kristinmartindesign.com, 707 738 8978  
 www.kristinmartindesign.com



# KRISTIN MARTIN DESIGN

In addition to the proximity, I am opposed to the mass, size and scale of the proposed building. It seems that this building has been designed with no care in mind with regard to Aubert Winery. It has grown in scale (not decreased as requested in the July 13<sup>th</sup> Design Review Meeting) and completely blocks all views from the Aubert Tasting Room. In addition, they have not downsized or relocated their parking lot - which is directly in front of the Aubert front door at a raised grade. The raised grade also affects the storm water causing it to run onto adjacent properties. This goes against city plan and is totally unacceptable.

I urge you to decline the Brian Arden Winery Project on this property at 331 Silverado Trail and preserve the rural beauty of Calistoga.

Thank you,

Kristin Martin

**Erik Lundquist**

**From:** Delina Dysart [ddysart03@gmail.com]  
**Sent:** Saturday, March 17, 2012 5:34 PM  
**To:** Erik Lundquist  
**Subject:** Brian Arden Winery

March 17, 2012

Erik V. Lundquist, Senior Planner  
City of Calistoga  
1232 Washington Street  
Calistoga, CA 94515



Dear Mr. Lundquist,

I am writing to ask that the Planning Commission and City Council give credence to the considerable time, effort, and passion that the applicant has obviously expended throughout the planning process, and approve the application submitted by Brian Arden Winery.

From the first submission to the Planning Commission, it was apparent that the owners of Brian Arden Wines were upstanding people who were willing to work with city officials to create a project that was both aesthetically pleasing and beneficial to the city of Calistoga. I attended the first public meeting of the Planning Commission where the Brian Arden Winery project was introduced, and heard a presentation that spoke of a rich, longstanding history in the wine industry. Everything that has been submitted and made public to the city I have reviewed, and believe the documents clearly represent a project that has no desire to change the demographic or general “feel” that makes Calistoga such a gem.

As a resident of Calistoga, I have heard the grumblings – all of which (from the mass mailings to verbal complaints) are clearly generated from Aubert Winery. I am fully aware that this wouldn't be the first time one party has endeavored to block the opportunities of another, even at the detriment to the city itself. However, it is of great concern to me that every single point on which the attack appears to be based is either a shrouded, twisted version of reality or is a flagrant lie. Both put forth and propagated with the intent of misleading those who haven't yet had the opportunity to assess the facts. From the available documents, the facts are clearly that the project:

- Will satisfy the recently enacted 75% sourcing rule\*
- Does not concentrate storm water to the Brigg's property/site of Aubert Winery (and has been found to actually reduce the flow that currently occurs at that site)
- Is environmentally sensitive, with multiple “green” and LEED certified options utilized in the development plan
- Complies with General Plan guidelines as both a P.D. and Entry Corridor site
- Complies with the Maxfield Adams Beverage Land Use documentation
- Has undergone a traffic analysis and subsequent independent review as requested by City Planning
- Shows great regard for the Planning Commission, through repeatedly incorporating suggested modifications

3/19/2012

I am neither financially nor professionally connected to Brian Arden, but live in Calistoga and have worked in the center of town for eight years, and I firmly believe that this project will help Calistoga to thrive. It will contribute to attracting the caliber of people up-valley who appreciate the passion and unique experience that can be found in a small winery; people who then in turn, wine, dine, and stay in our beautiful town.

While staying in Napa Valley, tourists will not eat at only one restaurant their entire stay, nor will they only visit one winery. A thoughtful, environmentally-sensitive project with an evident desire to maintain the rustic and charming image of Calistoga such as Brian Arden Winery should be welcomed by all.

Sincerely,

Delina Dysart

\*Note that neither Aubert Winery nor Cakebread need to be in compliance to this new legislation they so fervently campaigned to pass.

**Planning & Building**

**From:** Charlotte Helen Williams [cdevorak@sonic.net]  
**Sent:** Sunday, March 18, 2012 3:19 PM  
**To:** Plans Department; Erik Lundquist  
**Subject:** Brian Arden Winery



March 18, 2012

Erik Lundquist, Calistoga Senior Planner and Calistoga Planning Commission,

Re: Brian Arden Winery proposal

Cut and pasted from the Staff Report:

The Planned Development Overlay designation further indicates that

244 *“Development of these parcels shall be varied and shall not include a single land*

245 *use or predominant use such as visitor accommodations or wineries on each lot”*

246 and *“due to Mount Washington’s visual and open space significance, private*  
247 *construction on its slopes shall be prohibited.”* The Brian Arden Winery, in  
248 addition to the other developments, provides an adequate mix of uses in the  
249 designation.

How are two adjacent wineries consistent with the Planned Development Overlay or the General Plan? How does the Brian Arden Winery provide “an adequate mix of uses”?

Allowing developments like the Brian Arden Winery encourages challenges and therefore amendments to the General Plan and thus is not in correspondence with the will of the citizens of Calistoga.

Contrary to the recommendations of the Planning Department I strongly urge you to withhold approval of this winery. Encourage Mr. Harlan to consider another use such as a venue for specialty organic/biodynamic foods and a demonstration orchard or garden, and picnic area.

Sincerely,

Charlotte Williams  
59 View Rd.  
Calistoga, CA 94515

3/19/2012

**Erik Lundquist**

**From:** Norma Tofanelli [keepnvap@sonic.net]  
**Sent:** Monday, March 19, 2012 4:07 PM  
**To:** Erik Lundquist  
**Cc:** Richard Spittler; Jeff Manfredi  
**Subject:** Comments: Brian Arden Winery  
**Attachments:** Calistoga Muni Code 17 hilite.pdf; ATT00001.htm  
 Calistoga Planning Commission



Chairman Manfredi and Commissioners

*re:* Brian Arden Winery

I am astounded that this project has come so far when it poses such egregious violations to the Calistoga General Plan and zoning ordinances yet Staff either dismisses the violations as mere inconveniences, maintains that mandatory language is discretionary or completely omits any reference at all to the code being violated.

As there are so many issues with this project, I will incorporate most by reference and focus on the two most egregious. I therefore support all of the concerns that have been entered into the record by attorney Charles W. Meibeyer, *et al.*

I also incorporate by reference data in the file (*Brian Arden Winery Proposal vs Previously Denied Thomas Bed & Breakfast Circa 2005 Square Footage Analysis*) on a prior project, Thomas Bed and Breakfast, which was denied for the very reasons staff finds in favor of Brian Arden: two-story construction = too high, too imposing, scale = too large (actually smaller than Arden), does not complement "small town, rural character", etc.

**Why was Thomas B&B too large but Arden, although larger, is just right?**

**1) Construction of the Arden winery on the slopes of Mount Washington is prohibited.**

**General Plan Land Use Element at LU-31: "Due to Mount Washington's visual and open space significance, private construction on its slopes shall be prohibited."**

Contrary to staff's incorrect instruction to you, this language is **MANDATORY**. You have NO DISCRETION to ignore this General Plan prohibition. You may seek to amend the General Plan to change this language. But you may not ignore it or reinterpret it on a project-by-project basis. The law simply forbids this construction.

**2) Calistoga Municipal Code, Title 17 Zoning - attached**

Staff report at 196-197 states:

*"The suggested winery use is consistent with the Rural Residential designation."*

**It is NOT.**

**Staff does not even bother to mention the most important applicable zoning**

3/19/2012



**codes: 17.14.020 sub B. 8 and B. 9 which establish use permit conditions for winery permits in the R-R zone. They are attached for your use.**

**• Calistoga Municipal Code winery definitions:**

**17.14.020.B.8: Small scale winery: maximum production = less than 2,000 cases annually**

- a. minimum acreage: not less than 2**
- c. minimum 20 % of wine produced on-site SHALL be grown on the parcel**
- e. public tours SHALL BE PROHIBITED**

**17.14.020.B.9: Large scale winery: maximum production = 4,000 cases annually**

- a. minimum acreage: 4 acres or more**
- f. minimum 30% of wine produced on-site SHALL be grown on parcel**

These violations alone should have stopped this application long ago. Much staff and public time has been wasted due to staff not properly advising the applicant nor the Commission regarding the governing codes that prohibit this project. According to the Pope - sins of omissions are still sins.

As Commissioners, your job is not to rubber stamp everything that staff puts before you. You must read applicable General Plan provisions and explore governing codes - even if Staff does not inform you of them nor provide them to you.

This project as presented must be rejected as it violates the laws, policies and wishes of the Calistoga community.

Norma J. Tofanelli  
1001 Dunaweal Lane • Calistoga

## Chapter 17.14 R-R RURAL RESIDENTIAL DISTRICT

### Sections:

- [17.14.020](#) Uses allowed.
- [17.14.030](#) Height limit of buildings and structures.
- [17.14.040](#) Lot area requirements.

### **17.14.020 Uses allowed.**

Uses allowed in an R-R district are as follows:

#### A. Uses Allowed without Use Permit.

1. Single-family dwellings;
2. Second dwelling units in accordance with Chapter [17.37](#) CMC;
3. Light agricultural uses, including but not limited to: farms on a commercial scale devoted to the growing of field, tree, berry or bush crops, and vegetable or flower gardens;
4. The keeping of horses for noncommercial purposes on sites with a ratio of not less than one-half acre per horse;
5. Student projects devoted to agricultural education;
6. Home occupations in accordance with Chapter [17.21](#) CMC;
7. Uses determined by the Planning Commission to be similar in nature as provided by the procedures in Chapter [17.02](#) CMC.

#### B. Uses Allowed with Use Permit.

1. Public or private recreational and educational uses and their necessary facilities, including but not limited to: public parks, playgrounds, schools, colleges, churches, temples, golf, swimming, tennis, polo, civic or country clubs, fairgrounds, public buildings, utility substations or parking lots;
2. Geothermal activity (exploration, development, and use);
3. Veterinary clinics with animal boarding facilities. The issuance of a conditional use permit shall be in accordance with the findings contained in CMC [17.40.010](#) and shall also comply with the following:
  - a. The minimum lot size shall be two acres;
  - b. Noise associated with the conditionally permitted use shall be mitigated to a level consistent with otherwise permitted uses established in this chapter;

c. Odors associated with the conditionally permitted use shall be mitigated to a level consistent with otherwise permitted uses established in this chapter;

d. New facilities and expansions have received design review approval consistent with the provisions contained in Chapter [17.06](#) CMC;

4. Light agricultural uses including farms on a commercial scale devote to the hatching, raising, fattening, or marketing of animals such as, but not limited to, poultry, rabbits, goats, sheep, pigs; aviaries and kennels; the grazing and experimental or selective breeding or training of cattle or horses; provided, that such use is not a part of, nor conducted as, stock feed or livestock sales yards, or a commercial riding academy located on the same premises;

5. *Repealed by Ord. 599;*

6. Uses determined by the Planning Commission to be similar in nature as provided by the procedures in Chapter [17.02](#) CMC;

7. Home occupations in accordance with Chapter [17.21](#) CMC;

8. Small scale winery operations producing less than 2,000 cases of wine annually; provided, that the following guidelines have been considered prior to the required use permit approval:

a. The parcel size is two acres or more;

b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use;

c. A minimum of 20 percent of the wine produced on-site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.;

d. Only one winery shall be permitted on-site;

e. Public tours of winery shall be prohibited;

f. The number and frequency of private wine marketing events shall be strictly limited and reviewed during the use permit process. Private wine marketing events are limited to a maximum of four events per calendar year. The maximum number of guests allowed at any private wine marketing event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the small winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the new small winery use;

g. General assembly or entertaining shall be prohibited. All private wine marketing events shall be held within the confines of the on-site residential unit, the production

area of the small winery building, or outside or except as previously defined;

h. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises. No merchandise shall be sold;

i. The hours of sales shall be by appointment only as reviewed during the use permit process;

j. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees shall be specifically invited to participate in the private wine marketing event by the small winery owner/operator;

k. All the requirements of CMC Title [19](#) shall be met;

l. Notwithstanding CMC [17.14.040](#), buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing;

9. Large scale winery operations producing up to 4,000 cases of wine annually; provided, that the following guidelines have been considered prior to the required use permit approval:

a. The parcel size is four acres or more.

b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.

c. Only one winery shall be permitted on-site.

d. The winery conducts limited public tours, provides wine tasting, sells wine-related items or holds social events of a public nature with a use permit.

e. Noise shall be restricted to a decibel level of 55 dba at property boundaries.

f. A minimum of 30 percent of the wine produced on-site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.

g. The number and frequency of wine-related events shall be strictly limited and reviewed during the use permit process. Wine-related events are limited to a maximum of four events per calendar year. The maximum number of guests allowed at any wine marketing event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the winery use.

h. All wine-related events shall be held within the confines of the on-site residential

unit, the production area of the small winery building, or outside.

i. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises.

j. The hours of sales shall be by appointment only as reviewed during the use permit process.

k. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees shall be specifically invited to participate in the private wine marketing event by the small winery owner/operator.

l. All the requirements of CMC Title [19](#) shall be met.

m. Notwithstanding CMC [17.14.040](#), buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing;

10. Bed and breakfast inns and facilities, in accordance with Chapter [17.35](#) CMC.

C. Allowed Accessory Uses. Any accessory building, corral, coop, hutch, pen, garage, stable, storage shed or similar structure, provided, that no accessory building shall be constructed prior to the construction of a main building, or on a lot separate from the main building.

D. Prohibited Uses. Uses not specified in subsections (A) through (C) of this section are prohibited. (Ord. 667 § 3, 2010; Ord. 625 § 2, 2005; Ord. 599 § 4, 2004; Ord. 579 § 2, 2001).

#### **17.14.030 Height limit of buildings and structures.**

Height limit of buildings and structures in an R-R district shall be 25 feet. See additional height requirements in Chapter [17.38](#) CMC. (Ord. 460 § 6, 1991; Ord. 339 § 1, 1978).

#### **17.14.040 Lot area requirements.**

Lot area requirements in an R-R district are as follows:

A. Minimum lot size shall be:

1. Eighty thousand (80,000) square feet if both on-site water and wastewater disposal are proposed;
2. Forty thousand (40,000) square feet if either on-site water or wastewater disposal is proposed;
3. Twenty thousand (20,000) square feet if City water and wastewater services are provided.

B. Minimum lot width shall be 100 feet.

C. Minimum lot depth shall be 200 feet.

D. Setbacks for main buildings shall be:

1. Front yard: 20 feet;

2. Side yard, corner lot, 15 feet; interior lot, 10 feet, except that the following uses require 20-foot setback from side interior lot line: recreational and educational uses and their necessary facilities, public buildings, public utility substations, hospitals, schools, churches, temples, golf, swimming, tennis, polo, civic or country clubs, parking lots, parks, fairgrounds or playgrounds;

3. Rear yard: 20 feet;

4. Setbacks for accessory buildings and structures from the property lines shall be five feet except that no accessory building or structure shall be allowed in the required front or street side yard unless otherwise provided for in CMC [17.38.050](#).

E. For parking requirements, see Chapter [17.36](#) CMC.

F. Maximum coverage of lot by structures, including accessory structures, shall be 30 percent. (Ord. 544 § 3, 1998).

**This page of the Calistoga Municipal Code is current through Ordinance 677, passed May 17, 2011.**

Disclaimer: The City Clerk's Office has the official version of the Calistoga Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

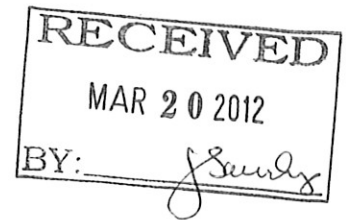
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# Multisource

Real Estate Financial Services



20 March 2012

Eric Lundquist  
Senior Planner  
City of Calistoga  
Planning Department  
Washington Street  
Calistoga, CA 94515

RE: Brian Arden Winery Application

Dear Mr. Lundquist;

It has come to my attention that Mark Aupert, the new owner of August Briggs Winery, since renamed Aupert Winery is opposing the application for the above captioned winery.

On 25 March 2010, together with the listing agent, Paul Spittler, I introduced the August Briggs Winery to Schramsberg Vineyard Company, which at that time was exploring the possibility of acquiring a new property for its J Davies brand. We made several inspection visits to the winery. At one point I asked Joe Briggs about the availability of the adjacent parcel (Arden) fronting on the Silverado Trail. Joe provided some background on the parcel, strongly supporting the concept of acquiring it too. Beyond being a logical business decision, purchasing both the winery and that parcel would allow for an additional 2+/- acres of vines, an estate labeling, expanded parking and an exceptional showpiece. As part of my due diligence process I contacted the owner Ronald Thomas of Ventura, hoping to start a dialogue. In the end, August Briggs Winery turned out not to be a good fit; and Schramsberg passed. Anyone

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performing proper due diligence should have come to the same conclusion as I, buy both.

It is abundantly clear that Mr. Aubert's opposition the Brian Arden Winery, amounts to little more than "sour grapes." This is in disregard that the new winery has been redesigned to accommodate and retain the view of the Aubert Winery. He and/or his agent most certainly dropped the ball, failed to come to the obvious conclusion to buy both August Briggs and the Thomas parcel, is now are seeking to unwind their gross failure to properly investigate every aspect of his purchase.

Setting all of this aside, a new small, premium winery located within the City of Calistoga would add character, be an economic asset to the city, creating jobs, and ultimately additional tax revenue. Rather than opposing the Brian Arden Winery, as both wineries, offering quality wines would benefit from the proximity to the other, Mr. Aupert ought to embrace it.

In short, I strongly urge the approval of the Brian Arden Winery application.

Sincerely,

A handwritten signature in black ink that reads "Stan Brody". The signature is written in a cursive, flowing style.

Stan Brody  
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Calistoga  
[Stan@StanBrody.com](mailto:Stan@StanBrody.com)  
707-942-1210