

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA ADOPTING AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE CALISTOGA MUNICIPAL CODE REZONING THE PROPERTY LOCATED AT 331 SILVERADO TRAIL (APN 11-050-030) FROM AN "PD", PLANNED DEVELOPMENT DISTRICT TO A "PD 2011-01", BRIAN ARDEN WINES PLANNED DEVELOPMENT DISTRICT**

The City Council of the City of Calistoga does hereby ordain as follows:

**SECTION ONE:**

**WHEREAS**, an application was submitted by Burt Harlan on September 16, 2011 requesting an amendment to Planned Development Zoning District to allow the Brian Arden Winery Project, a 10,000 case production winery and wine related uses including limited events, administrative offices, retail sales and tasting locates at 331 Silverado Trail (APN 011-050-030); and

**WHEREAS**, An Initial Study/Mitigation Negative Declaration (IS/MND) was completed in accordance with applicable CEQA Guidelines, and on February 17, 2012, the IS/MND was circulated for public and agency review and comment. Copies of the IS/MND were made available to the public at the Department of Planning and Building and the IS/MND was distributed to interested parties and agencies. On February 17, 2012 and March 9, 2012, a notice of the Planning Commission public hearing of March 21, 2012, to review the IS/MND was published in the local newspaper; and

**WHEREAS**, the Planning Commission has recommended adoption of a Mitigated Negative Declaration (Resolution PC 2012-06) based upon the initial study prepared for this project finding that the proposed project, as amended by mitigation measures agreed to by the applicant, would not have a significant adverse impact on the environment; and

**WHEREAS**, the City Council adopted Resolution 2012-\_\_\_\_\_ adopting a Mitigated Negative Declaration based upon the initial study prepared for this project finding that the proposed project, as amended by mitigation measures agreed to by the applicant, would not have a significant adverse impact on the environment; and

**WHEREAS**, a public notice of the City Council public hearing of April 17, 2012 on the Draft Initial Study/Mitigated Negative Declaration, Zoning Ordinance Text Amendment and the proposed project planning actions was published in the local newspaper and made available on the City's website; and

**WHEREAS**, the City Council has reviewed and considered the application for the Project at its regular meeting on April 17, 2012 and \_\_\_\_\_, considered as one of its items of business, this Ordinance to be adopted in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Government Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

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2           **WHEREAS**, the City Council adopted the following findings with the introduction  
3 of an Ordinance:  
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- 5           1. The proposed text amendment will continue to provide flexibility in the  
6 development while allowing for unique circumstances, and perpetual  
7 maintenance of a winery development without adversely impacting the quality  
8 that make the community unique.  
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- 10           2. The proposed text amendment is consistent with the City's General Plan  
11 Rural Residential land use designation, Planned Development and Entry  
12 Corridor 2 – Downvalley Silverado Trail Overlay designations and related  
13 policies. Provisions for uses and proposed revised development standards  
14 will preserve a significant portion of the property for vineyard and protect  
15 existing trees to the extent feasible consistent with the rural character of the  
16 area. Moreover, a conditional use permit and design review is required for  
17 development of the site, other than for small accessory structures, which will  
18 help to ensure that the use of the site retains the sensitive elements of the  
19 parcel.  
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- 21           3. The proposed text amendment promotes and enhances the rural traditions of  
22 the community and is necessary and proper to balance the natural and built  
23 environment of this site at one of Calistoga's important gateways to the  
24 community.  
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- 26           4. The proposed text amendment is necessary and proper to ensure that the  
27 small town character of the community is preserved and enhanced consistent  
28 with the General Plan, while providing reasonable opportunity to establish a  
29 high quality and creative winery development project.  
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31 **SECTION TWO:**  
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33           Section 17.24 of Title 17 (Zoning Ordinance) is hereby amended by adding  
34 subsection 17.24.660 through 17.24.700 as follows:  
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36           **Article IV. PD 2011-01, Brian Arden Wines Planned Development District**  
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38 **17.24.660 - Purpose:**  
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40           This planned development district regulates development of a 2.25-acre parcel of land  
41 (APN 011-050-030) located approximately 1,100 feet southeast of the intersection of  
42 Silverado Trail and Rosedale Road, as shown on the Zoning Map of the City of  
43 Calistoga, California, February 5, 1991. Planned Development District (PD 2011-01) is  
44 important to the community, as it contains a section of Mt. Washington and is located at  
45 a gateway to the community in an area of natural beauty. Therefore, development in this

1 Planned Development District shall be sensitive to the rural scale of the parcel and its  
2 surroundings. Unless otherwise provided below, all proposed uses in this planned  
3 development district shall require a use permit. Development shall be in conformance  
4 with the following regulations.

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6 **17.24.670 Uses allowed.**

7 **A. Uses Allowed Without a Preliminary Development Plan or Use Permit:**

- 8 1. In APN 011-050-030, light agricultural uses including, but not limited to  
9 horticulture, floriculture, viticulture, apiaries, and related uses, not including  
10 stockyards or commercial feeding of animals.  
11 2. Uses determined by the Planning Commission to be similar in nature, as  
12 provided in the procedures in Chapter 17.02 CMC.

13 **B. Uses Allowed With a Preliminary Development Plan or Use Permit:**

- 14 1. Wineries, public tours and tasting, bottling operations and ancillary wine related  
15 operations: provided that the use(s) is subordinate to a primary agricultural use  
16 on the parcel. A minimum of 75% of the fruit used to make wine produced on-site  
17 must be grown within the County of Napa;  
18 2. New structures, and additions to existing structures resulting in an increase in  
19 floor area of 10 percent or more;  
20 3. Uses determined by the Planning Commission to be similar in nature as provided  
21 in the procedures in Chapter 17.02 CMC.

22 **C. Allowed Accessory Uses.** Accessory buildings and uses that are clearly incidental  
23 and subordinate to the main use, such as a detached garage, storage shed,  
24 workshop, or similar building; provided, that no accessory use shall be established  
25 or accessory building constructed prior to the construction of a main building, or on a  
26 lot separate from the main building. Minimum setbacks for accessory buildings and  
27 structures shall comply with the standards provided in Chapter 17.38 CMC, except  
28 that no accessory building or structure shall be located in the required front setback.

29 **D. Prohibited Uses.** Uses not specified in subsections (A) through (C) of this section are  
30 prohibited.

31 **17.24.680 Height limits.**

32 Height limit of buildings and structures in PD 2011-01 shall be 30 feet, unless otherwise  
33 provided in Chapter 17.38 CMC.

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35 **17.24.690 Development Standards.**

36 Development standards in PD 2007-1 are as follows:

37 **A. Minimum lot area and lot dimensions shall be:**

- 38 1. Lot area: two acres;  
39 2. Lot width: 200 feet average;  
40 3. Lot depth: 400 feet.

41 **B. Minimum setbacks shall be as follows, unless otherwise provided in this section:**

- 1           1.     Silverado Trail Setback (Front Yard): 30 feet.
- 2           2.     Side yard: 5 feet;
- 3           3.     Rear yard: 5 feet.
- 4    C.     Lot Coverage. Maximum coverage of a lot by all buildings or structures,  
5           including accessory structures, shall be 25 percent.
- 6    D.     Parking Requirements. Unless otherwise provided in an approved use permit or  
7           planned development permit, on-site parking, loading and circulation shall  
8           comply with the standards contained in Chapter 17.36 CMC.
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10 **17.24.700 Design review requirements.**

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12 Design review shall be required for all buildings or structures requiring a use permit in  
13 this section. Allowed accessory buildings shall also require design review for structures  
14 or buildings 200 square feet or larger in size. Buildings and structures must be  
15 harmoniously integrated with development of the parcels to minimize their impacts on  
16 adjacent property, including the design and location of buildings, lighting, equipment to  
17 enhance the comfort of customers dining outdoors, and landscaping.

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19 **SECTION THREE:**

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21           If any section or portion of this ordinance is for any reason held to be invalid  
22 and/or unconstitutional by a court or competent jurisdiction, such decision shall not  
23 affect the validity of the remaining portions of this ordinance.

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25 **SECTION FOUR:**

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27           **THIS ORDINANCE** shall take effect thirty (30) days after its passage and before  
28 expiration of fifteen (15) days after its passage, shall be published in accordance with  
29 law in a newspaper of general circulation published and circulated in the City of  
30 Calistoga.

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32           **THIS ORDINANCE** was introduced with the first reading waived at the City of  
33 Calistoga City Council meeting on the 17th day of April 2012, and was passed and  
34 adopted at a regular meeting of the Calistoga City Council on the \_\_\_\_ day of 2012, by  
35 the following vote:

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37 **AYES:**

38 **NOES:**

39 **ABSENT/ABSTAIN:**

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\_\_\_\_\_  
**JACK GINGLES, Mayor**

42 **ATTEST:**

43

44 **AMANDA DAVIS, Deputy City Clerk**