

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE
PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: FEBRUARY 8, 2012

SUBJECT: LAVA VINE WINERY - 963 & 965 SILVERADO TRAIL
(APN 011-050-043)

REQUEST

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3 Consideration of Conditional Use Permit (U 2011-05) and Design Review (DR
4 2011-05) applications, requested by Joseph and Jill Cabral, to allow a new
5 30,000 gallon (approximately 12,600 cases) per year winery on the subject
6 parcel with the construction of a new 5,214 square feet winery building and
7 associated infrastructure. In addition, the project proposes to add to the
8 available uses a new bicycle rental business on the property located at 963/965
9 Foothill Boulevard (APN 011-050-043) within the "CC-DD", Community
10 Commercial - Design District.

BACKGROUND & PROJECT DESCRIPTION

A. Overview

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16 The subject parcel is located at 963/965 Silverado Trail within the City of
17 Calistoga in Napa County. The property consists of approximately one acre of
18 land and is within the City of Calistoga's Community Commercial and 'Entry
19 Corridor 2: Downvalley Silverado Trail' (EC2) General Plan land use
20 designations. The existing structures on the property include a 1,298 square foot
21 principal building (Building 1) and an accessory building (Building 2) of
22 approximately 1,040 square feet. Building 1 was originally constructed as a
23 residence in the 1920's. Building 2 was originally constructed as a barn, but its
24 construction date is unknown.

25
26 On February 13, 2008 the City of Calistoga adopted Resolution PC 2008-03
27 approving Conditional Use Permit (U 2007-08), expanding Building 1's use to
28 include administrative offices and wine fulfillment. Wine fulfillment, per Staff
29 Report dated February 13, 2008, includes "movements of palletized orders and

30 the pulling of cases for local delivery to tasting rooms, restaurants and stores.
31 This also includes the picking of bottles and packing them for individual or club
32 orders as well direct-to-trade shipments.” Building 2, also per U 2007-08,
33 currently contains barrel storage, retail sales, and wine tasting uses.

34

35 The property, originally zoned ‘R3’ Residential/Professional Office, was rezoned
36 to Community Commercial-Design District (CC-DD) on August 18, 2009 pursuant
37 to Ordinance No. 662. Ordinance No. 663, also adopted by the City Council on
38 August 18, 2009, establishes that wineries and bicycle sales, rentals, and tours
39 are conditionally permitted uses within the ‘CC-DD’ zoning district.

40

41 Allowable uses in the Community Commercial and the ‘EC2’ land use
42 designations include wineries, a tourist entertainment business, including bicycle
43 rentals with a use permit.

44

45 **B. Proposal**

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47 The proposed project intends to establish a new 30,000 gallon (approximately
48 12,600 cases) per year winery on the subject parcel with the construction of a
49 new 5,214 square feet winery building and associated infrastructure. In addition,
50 the project proposes to add to the available uses of the principal building,
51 Building 1, a new bicycle rental business.

52

53 The proposed winery structure will be constructed with all of the amenities to
54 facilitate winery operations, including a tank area, barrel room, laboratory,
55 equipment, case storage, restrooms, an office, and an outdoor crush pad. In
56 addition, an entertainment area and commercial kitchen are proposed inside the
57 new building for wine marketing events. These events are discussed in the
58 Marketing Plan section below.

59

60 Marketing Plan: With the addition of the winery building and the bicycle shop in
61 Building 1, a total of four principal uses will be served on this property. These
62 uses include winery operation and production, wine tasting and storage uses,
63 winery administrative and other leasable administrative office uses, and a bicycle
64 rental shop.

65

66 Each principal use proposes unique hours of operation. The wine tasting room
67 hours will vary seasonally, with the peak season hours estimated to be 10 am to
68 5 pm seven days a week. The administration offices expect to operate between
69 the hours of 8 am and 5 pm Monday through Friday. The estimated hours of
70 operation for the bike rental shop and the winery are projected to be from 8 am
71 and 5 pm seven days a week, but will be seasonal from April through November.
72 In addition, each principal use expects to entail a number of employees and
73 visitors on-site. Just as each use expects varied hours of operation, the number

74 of employees and visitors for each use is expected to be unique for each use.
 75 Table 1 below shows the peak number of employees and visitors proposed
 76 during the weekdays and weekends for each use:
 77

78 Table 1: Employee and Visitor Analysis

Occupation / Activity	Peak # of People	
	Weekend (Per Day)	Weekdays (Per Day)
<i>Employees</i>		
Winery Employees	2	2
Bike Rental Employees*	1	1
Administrative Lessees	0	4
Wine Tasting Employees	2	1
<i>Visitors</i>		
Wine Tasting Visitors	90	75
Peak Daily Employees	5	8
Peak Daily Visitors	90	75

89 *Bike Rental Shop to have no public restrooms. Employee to be part-time.

92
 93 Public tours and tastings are expected to generate 75 visitors per day (Monday-
 94 Friday) and 90 visitors per day (Saturday and Sunday). In addition, the site
 95 proposes to hold four (4) wine marketing events per year each with a maximum
 96 of 60 guests. Each event may include food for food-and-wine pairings which may
 97 be either catered or prepared in the proposed commercial kitchen proposed in
 98 the new winery building. Live entertainment may occur depending on the event.
 99 In addition, portable toilets will be brought on-site during marketing events for
 100 visitors and workers to use during the event.

101
 102 The proposed bike rental shop in the administrative and office building, Building
 103 1, proposes to cater to tourists and locals in the immediate vicinity to the
 104 property. The site expects the majority of the consumers utilizing this service to
 105 be within walking distance to the property, staying at such local resorts and
 106 hotels as Solage Calistoga, Calistoga Village Inn, and the Lodge at Calistoga.

107
 108 Wine Production: The new winery building request proposes to accommodate all
 109 aspects of winemaking, including receiving grapes, crushing, fermentation, barrel
 110 aging, blending, and bottling.

111
 112 *Delivery of grapes* - Grapes will be delivered via flatbed trucks with no trailers
 113 carrying ½ ton stackable bins. The trucks will utilize a three-point turning
 114 movement to enter and exit the site.

115

116 *Barrel Pickup* - All wine barrels used for barrel aging will be picked up by the
117 owner or winery workers off-site and brought into the winery on a flat bed truck or
118 a small trailer.
119

120 *Gas Deliveries* - In the winemaking process, gasses such as carbon dioxide and
121 Argon are used for such purposes as minimizing the wine/oxygen contact. Tanks
122 for these or any other gasses required for the winery will be delivered using
123 flatbed trucks by Complete Welder Supply, Napa, and will utilize a similar three-
124 point turning movement to enter and exit the site.
125

126 *Bottling Services* - The bottling of the wine will be performed by a mobile bottling
127 company on-site during the weekdays. The tasting room will be closed for the
128 duration of bottling to allow for the bottling truck to utilize the area created by the
129 empty parking spaces.
130

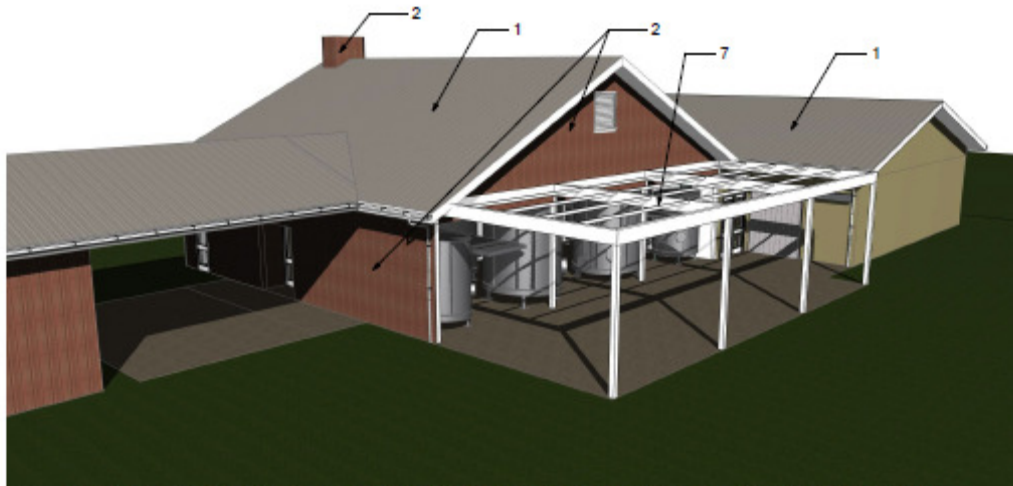
131 **STAFF ANALYSIS & DISCUSSION**

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133 **A. Aesthetics**

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135 This proposal seeks to develop a full production winery and bicycle rentals in
136 addition to the existing uses. Aesthetically the architecture draws from the
137 existing rural character of Calistoga's surrounding areas. The 5,214 square foot
138 proposed structure will be attached to the existing tasting room via a covered
139 breezeway. A painted steel shade structure extends off the tank area providing
140 architectural interest and variation in massing.
141



4 3D VIEW (E) TASTING ROOM, TANK BUILDING AND BARREL BUILDING BEYOND FROM

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143

144 The buildings incorporate a mix of concrete plaster and wood “board-and-batten”
145 siding. The building is designed with simple gables. The corrugated metal roofs
146 and generous eaves recall the aesthetic of a typical wood framed barn.
147 Secondary building elements are introduced to break up the simple barn forms.
148 The Planning Commission should consider conditioning additional architectural
149 embellishments on the south façade of the barrel building to break up the wall
150 and add a small degree of visual interest. Otherwise, staff finds that the design
151 meets the guidelines contained in Chapter 17.06 of the Calistoga Municipal
152 Code, see the findings contained in the draft Planning Commission Resolution
153 PC 2012-02.

154

155 **B. Grading and Drainage**

156

157 Delta Consulting and Engineering prepared a Hydrological and Drainage Report
158 dated August 2011 that analyzes the site hydrology associated with the proposed
159 development. The purpose of Delta’s Hydrological report was to investigate the
160 pre-construction and post-construction storm water runoff flows for a 2-year, 24
161 hour storm. This report indicates the post-construction runoff flows exceed the
162 pre-construction flows by 0.09 cubic feet per second. Per state requirements, the
163 post-construction runoff flows must be less than the pre-construction flows. In
164 order to mitigate for the additional flows, on-site detention features will be
165 installed.

166

167 To detain the storm water on-site, sub-surface infiltrator trenches are proposed to
168 be used. The infiltrator trench, includes 6” depth of ¾” clean crushed rock below
169 an Infiltrator Systems Quick4 High Capacity Chamber. The infiltrator trench and
170 crushed gravel provides 2.64 cubic feet of storage per linear foot. Therefore, 28
171 linear feet of storage shall be provided on-site in order to provide 73.92 cubic
172 yards of storage. This exceeds the required storage of 70.94 cubic feet. .
173 Therefore, the project will provide the 28 linear feet of infiltrator trench to reduce
174 the post-construction runoff to a level at or below the pre-construction flow
175 volume.

176

177 **C. Growth Management**

178

179 This new commercial use would result in an increased demand for water service.
180 As such, a growth management allocation must be awarded prior to authorizing a
181 water and wastewater allocation. The Planning and Building Manager intends to
182 grant a non-residential Growth Management Allocation (GMA 2011-05) allowing
183 an additional 0.161 acre feet of water per year. The total water demand for this
184 project (i.e. existing and proposed) is 0.94 acre feet of water per year. The
185 project will involve the use of septic systems so no wastewater allocation is
186 necessary at this time. Prior to building permit issuance, the applicant will be
187 required to pay the water service connection fee at the rate in affect at the time

188 the building permit is issued, unless otherwise deferred by the Planning and
189 Building Department.

190

191 **D. Land Use**

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193 The General Plan land use designation for the property is Community
194 Commercial. The General Plan also has the property identified within one of the
195 Entry Corridors, "Entry Corridor 2: Downvalley Silverado Trail".

196

197 The purpose of the Entry Corridor Overlay is to make certain that the "country
198 town" appearance of Calistoga will be preserved "by ensuring that new
199 development is of a scale subordinate to the agricultural uses of properties
200 located at these entry corridors." All development in this area is required to
201 incorporate features to achieve this goal.

202

203 Listed below are the features that would apply to this project:

204

- 205 • *Setbacks shall be wide in order to preserve rural characteristics and shall*
206 *be landscaped with trees, vineyards and/or native vegetation.*

207

208 The wide roadway right-of-way and required landscaping will soften views of
209 the proposed parking spaces. In addition, the proposed structures are
210 setback from Silverado Trail and tucked behind the older structures on the
211 property preserving the traditional appearance.

212

- 213 • *Walls, fences and berms included in landscaping should incorporate*
214 *materials and design that blend harmoniously with the surrounding*
215 *landscape.*

216

217 The existing landscaping plan maintains the rural qualities of the site and
218 surroundings by incorporating organic and local materials. The existing berms
219 are subtle and the landscape screen requirements ensure compatibility with
220 the surrounding using.

221

- 222 • *Existing orchards and stands of mature trees shall be maintained or*
223 *replaced with similar vegetation.*

224

225 To accommodate the proposed structure and leach field the existing olive
226 orchard will be removed and the trees replanted elsewhere on the property.
227 The existing orchard is not readily visible from Silverado Trail and the
228 strategic relocation of the trees will provide greater variation in the
229 landscaping. A single Elm tree will be removed near the frontage to
230 accommodate parking. Additional landscaping will be required to
231 appropriately screen the proposed parking.

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- *Unique natural features shall be preserved and remain visible.*

The site is flat and contains existing developments. No unique natural features exist on the site. No unique off-site features will be disturbed by this project.

- *New buildings should reflect small-scale, low-rise design characteristics with an understated visual appearance, and should maintain existing small-town and open space qualities.*

The building's aesthetic is reminiscent of the traditional rural landscape and other barns in the valley; two archetypes with significant local precedence. The buildings incorporate a mix of concrete plaster and wood "board-and-batten" siding. The building is designed with simple gables. The corrugated metal roofs and generous eaves recall the aesthetic of a typical wood framed barn. Secondary building elements are introduced to break up the simple barn forms.

- *Parking areas should not be visible from the entry corridor roadway.*

A double-trunked (2-6" diameter) Elm tree will be removed near the frontage to accommodate parking. Additional landscaping will be required to appropriately screen the proposed and existing parking.

- *All development within designated entry corridors shall be subject to design review.*

This project is subject to design review along with the use permit review. The design review guidelines contained in Chapter 17.06 of the Calistoga Municipal Code are discussed in the draft Planning Commission Resolution PC 2012-02 attached to this report.

Furthermore, staff has conducted an evaluation and finds that the project is consistent with the "CC", Community Commercial Zoning District development standards. The proposed project as described in the Conditional Use Permit application meets all of the setback, coverage and height requirements of the CC zoning district.

E. Traffic and Circulation

The project is located along Silverado Trail. Silverado Trail is classified as an Arterial Street in the *City of Calistoga 2003 General Plan*. This roadway has two 12-foot travel lanes and approximately six-foot wide paved shoulders within the

276 vicinity of the project site and a posted speed limit of 45 miles per hour (mph). A
277 painted median (two sets of double yellow lines), which is part of the roadway
278 transition to a left turn pocket at Calistoga Water to the south, exists along the
279 project frontage.

280

281 A traffic study was prepared for the project by W-trans dated September 21,
282 2011. The analysis reviewed the project's need for improved access (i.e. sight
283 distance, left-turn lanes and internal circulation) based upon the findings that the
284 project will generate 80 daily trips. This is an increase of 22 from the existing 58
285 daily trips.

286

287 Special Events: Special events proposed at Lava Vine Winery include wine
288 marketing and other promotional events. Four special events per year currently
289 occur and are proposed to continue, but would increase from a current maximum
290 of 25 guests per event to a maximum of 60 guests per event. Using an average
291 occupancy of 2.5 persons per vehicle, a 60-person special event would be
292 expected to generate 48 trip ends, including 24 inbound trips at the start of the
293 event and 24 outbound trips upon its conclusion. Additionally it is expected that
294 there would be 10 trips associated with a staff of up five employees, though
295 these trips would mostly occur more than hour before and after the event. Since
296 these events are infrequent and generate a fairly low volume of trips during the
297 peak periods for traffic, they are expected to result in less-than-significant
298 impacts. However, to ensure adequate parking is provided and live entertainment
299 is controlled an administrative use permit shall be required prior to each event
300 (Draft Planning Commission Resolution PC 2012-02, Condition No. 4).

301

302 Right of Way Improvements: As identified in the Traffic Study "No Parking"
303 signage along Silverado Trail between the winery's driveway and the Jehovah's
304 Witness Church to the north and Calistoga Mineral Water to the south is
305 necessary to keep clear sight-lines. Additionally, City staff recommends
306 restriping Silverado Trail removing the painted median (two sets of double yellow
307 lines) to accommodate a legal left turn.

308

309 Aside from Staff's recommendation and the impacts discussed in the Traffic
310 Study, the project is required to conform to the Calistoga Municipal Code (CMC).
311 Silverado Trail is classified as an Arterial Street in the General Plan. Section
312 12.040.110(A) of the Calistoga Municipal Code states:

313

314 *"A. Arterial Street Section. The arterial street section shall have an*
315 *84-foot right-of-way, a four-foot public utility easement on each side*
316 *between the right-of-way line and the sidewalk and a six-foot*
317 *sidewalk on each side with vertical curb and gutter. The roadway*
318 *section shall be 64 feet between curb faces to comprise a 14-foot*

319 *parking-bicycle lane, a 12-foot traveled lane, a 12-foot turning lane, a*
320 *12-foot traveled lane, and a 14-foot parking-bicycle lane.”*
321

322 The applicant accepts the conditions addressed in the traffic study but proposes
323 a street section that is reduced from that required by the Calistoga Municipal
324 Code. City Staff agrees that a roadway section of lesser improvements than that
325 required by the CMC Arterial Street Section is appropriate, specifically, allowing a
326 reduced right-of-way with no curb, gutter, sidewalks or parking lane. The existing
327 Class II bike path and meandering pathway are adequate to meet the projects
328 needs and are compatible with the rural nature of the site. The CMC provides
329 flexibility for implementing a different roadway section at this location upon
330 concurrence with the Planning Commission. Upon the Planning Commission’s
331 approval the applicant would only be required to address Staff’s
332 recommendations and those recommendations contained in the Traffic Study
333 dated January 30, 2012 and as indicated in the draft Planning Commission PC
334 Resolutions 2012-01 and 2012-02.
335

336 In addition to the aforementioned criterion, this project must also conform to
337 Section 17.10.030 of the Calistoga Municipal Code. Section 17.10.030 requires
338 the payment of \$88.06 per vehicle trip to fund roadway improvements at the
339 intersection of Silverado Trail, Lake Street and Lincoln Avenue (SR 29).
340

341 **F. Parking**

342

343 The proposed winery would include 17 paved parking spaces near the tasting
344 room, one of which would be disabled accessible. The Calistoga Municipal Code
345 establishes minimum parking requirements for various types of developments.
346 Office space is required to have one space per 250 square feet of office space,
347 resulting in a need for three parking spaces for the 800 foot office. City parking
348 standards do not include minimum parking requirements for wineries, so at the
349 direction of City Staff, the parking rates of one space per 500 square feet of
350 warehouse or production space was applied to the winery portion, resulting in a
351 need for 14 spaces. Additionally, the base rate for the bicycle rental center would
352 result in a need for one parking space, resulting in an overall required supply of
353 18 parking spaces, which is one more than the proposed supply of 17 spaces, or
354 an overall deficit of one parking space. Three options are suggested to address
355 the parking shortage. The first would be to add one more parking space on-site.
356 The second would be to obtain a parking easement for one additional space on a
357 neighboring property (within 500 feet of the winery), providing evidence to the
358 City that the easement has been established. Finally, the applicant could pay an
359 in-lieu parking fee to the City of Calistoga upon approval by the Planning
360 Commission. The Applicant’s desired approach is to pay the in-lieu fee. A
361 condition of approval has been incorporated into the draft Planning Commission
362 Resolution PC 2012-02 requiring the payment of the parking in-lieu fee.

363

364 The W-trans Traffic Study indicates that during peak operations in the fall when
365 winery and visitor activity peaks, there is a possibility that the on-site parking
366 supply could be inadequate to accommodate all potential visitors. Such
367 occasions would likely be sporadic in nature and short in duration. During these
368 peak periods, which may coincide with local or regional wine-related visitor
369 events, it is recommended that the winery designate an overflow parking area for
370 employees. These spaces could be provided on-site in graded dirt areas, but
371 would need to be located such that parked vehicles do not restrict on-site
372 circulation. An administrative use permit will be required prior to an event in order
373 to ensure adequate parking is provided, as discussed under *Special Events* in
374 this report. During bottling periods or any time when outside equipment is
375 brought to the site, the tasting room should be closed to the public. These
376 provisions have been incorporated as conditions of approval in the draft Planning
377 Commission Resolution PC 2012-02.

378

379 **G. Utilities**

380

381 Water Service: The site is currently served with City water, via two separate 1-
382 inch water meters connect to the 8" water-main running across the frontage of
383 the property. One of the meters currently serves the existing uses. The other
384 meter is currently stubbed out and not in use. The new winery building would
385 connect to the unused 1" water line.

386

387 A separate fire suppression lateral also currently exists. The developer
388 anticipates connecting the fire suppression system for the new structure into the
389 lateral near the existing tasting room, see Health and Safety discussion.

390

391 Wastewater Service: The project proposes use of septic systems. Delta
392 Consulting and Engineering prepared a Wastewater Feasibility Report dated
393 August 26, 2011. This feasibility study is based on the site evaluation performed
394 by REB Engineering, Inc. and field review by a member of the staff from Napa
395 County Department of Environmental Management. Due to the limited available
396 soil depth encountered in each test pit, the domestic system (combined
397 commercial and winery domestic flows) will consist of a pressure distribution
398 dispersal system with pretreatment, and the winery process waste shall consist
399 of a pressure distribution system with pretreatment or hold and haul at the
400 owner's option. These above design elements are further detailed on the
401 drawings prepared by Delta Consulting & Engineering and submitted with this
402 application

403

404 The 100% reserve area will be accommodated by extending the existing
405 Calistoga sewer main to the property (~400') and conveying the site wastewater
406 to the city main. All connections and work done on the Calistoga sewer main

407 shall be coordinated with the City of Calistoga in the event the primary system
408 fails.

409
410 As such, based upon the preliminary design and calculations by Delta the parcel
411 is able to handle the wastewater flow from the proposed project and existing
412 commercial buildings. Detailed calculations and construction plans will be
413 submitted to the Napa County Department of Environmental Management for
414 permit approval prior to the construction of the final disposal systems.
415

416 **H. Health and Safety**

417
418 Permits are required from the Napa County Department of Environmental
419 Management for the proposed winery operation (i.e. Land Use Development
420 Permits and a Hazardous Materials Business Plan).

421
422 The Fire Department has reviewed the application and has indicated that a fire
423 sprinkler system is required in the proposed structure. The Fire Department also
424 expressed that the fire flows are not adequate to meet code requirements based
425 upon the analysis submitted by Alpha Fire Suppression Systems, Inc. Therefore,
426 prior to building permit issuance, an automatic fire sprinkler system including any
427 necessary mechanical devices such as booster pumps and valves shall be
428 reviewed and approved by the Fire, Public Works and Building Departments.
429

430 **ENVIRONMENTAL REVIEW**

431
432 In accordance with the California Environmental Quality Act (CEQA), the City of
433 Calistoga, Planning and Building Department prepared an Initial Study/CEQA
434 Checklist for the project. Potentially significant impacts to air quality, biological
435 resources, cultural resources, greenhouse gas emissions and Hazards and
436 Hazardous Materials were identified. The applicant has agreed to incorporate the
437 mitigation measures; therefore, the Planning and Building Department
438 determined that the proposed project as amended by mitigation measures would
439 not have a significant adverse impact on the environment. As previously stated,
440 the Initial Study/Mitigated Negative Declaration was sent to the State
441 Clearinghouse for distribution to state agencies. The comment period for the
442 environmental document was December 16, 2011 to January 20, 2012. Both a
443 Notice of Intent to Adopt a Mitigated Negative Declaration was sent to adjoining
444 properties and a Notice of Public Hearing was sent to all property owners within
445 300 feet of the subject site. The notice advised of the public comment period and
446 also advised that additional comments would be taken at the public hearing. Prior
447 to any project approvals, the Planning Commission will need to adopt the
448 Mitigated Negative Declaration. CEQA requires the lead agency to consider the
449 environmental document in conjunction with the comments received. If the
450 comments contain substantial evidence supporting a fair argument that the

451 project may actually produce significant environmental impacts, the lead agency
452 must find a way to mitigate the impacts to a level of insignificance, and then
453 recirculate a revised proposed negative declaration or prepare an EIR.
454 Recirculation is not required when new project revisions are added in response
455 to written or verbal comments which are not new avoidable significant effects.
456

457 As a result of sending the CEQA notice to the State Office of Planning and
458 Research (OPR) Clearinghouse, the City has received two written comments; 1)
459 the Napa County Department of Public Works submitted a letter dated January
460 11, 2012 and 2) the California Department of Fish and Game submitted a letter
461 dated January 13, 2012.
462

463 Napa County Department of Public Works Response to Comments: In response
464 to the Napa County Department of Public Works comments, the City has
465 reviewed the daily trip generation summary contained in the W-trans Report
466 dated September 21, 2011 and recognizes that 14 trips associated with the
467 existing office tenant were not analyzed. Staff found that these additional 14
468 trips to do trigger the need for a left-turn channelization. It should be further noted
469 that even though the County's methodology would require the need for a left-turn
470 lane, the City has adopted Caltrans warrant methodology based on peak hour
471 traffic volumes on the main highway and left turns on the access road. As such,
472 Staff recommends that the Planning Commission determine that the project has
473 a less than significant impact based upon the City's adopted standards and not
474 condition the project to construct a left-turn lane per the County's policy since this
475 could potential effect the character and prevailing speeds approaching the
476 intersection of Lincoln Avenue.
477

478 California Department of Fish and Game Response to Comments: The
479 Department of Fish and Game (DFG) reviewed the Mitigated Negative
480 Declaration and suggested the Mitigation Measure BIO-1, regarding
481 preconstruction nest surveys, be amended for effectiveness. BIO-1 will be
482 replaced, as follows:
483

484 *"Mitigation Measure BIO-1: Preconstruction Nest Surveys and Construction*
485 *Exclusion Zones: If construction would take place outside of the nesting season*
486 *(September to January), then preconstruction nest surveys would not be*
487 *necessary. However, if construction would take place during the nesting season*
488 *(February-August), then preconstruction nest surveys shall be conducted as*
489 *follows in order to avoid any potential impacts to nesting birds.*
490

491 1) *Nest surveys shall be conducted no earlier than 14 days prior to tree*
492 *removal and/or breaking ground (surveys should be conducted a minimum*
493 *of 3 separate days during the 14 days prior to disturbance); and*

- 494 2) *In the event that nesting birds are found, the Project applicant should*
495 *consult with DFG and obtain approval for nest-protection buffers prior to*
496 *tree removal and/or ground disturbing activities; and*
497 3) *Nest protection buffers will remain in effect until the young have fledged.*
498 *All nest protection measures should apply to off-site impacts and within*
499 *300 feet of project activities. If a lapse in project-related work of 15 days*
500 *or longer occurs, another focused survey and if required, consultation with*
501 *DFG, will be required before project work can be reinitiated.”*
502

503 In DFG's letter they also recommend that a qualified botanist conduct focused
504 surveys for rare plants since there are documented special-status plant species
505 within two miles of the project site (i.e. the gliderport). Staff found while
506 conducting the initial study for this project that, while documented special-status
507 species are in relative proximity, the site has historically been disturbed by
508 development resulting in little to no native vegetation that would readily support
509 any candidate, sensitive or special status species. The front half of the project
510 site is already built-out and the remaining 0.40 acres has been disturbed by light
511 agricultural operations. Annually the soil is affected by mechanical agitation of
512 various types as a result of activities associated with the olive orchard. As such,
513 staff finds that this project would not through habitat modification substantially
514 effect rare plants.
515

516 **PUBLIC COMMENTS:**
517

518 At the current time, no written public comments have been received regarding
519 this project.
520

521 **FINDINGS**
522

523 To reduce repetition, all of the necessary findings are contained in each of the
524 respective Resolutions, see attached.
525

526 **RECOMMENDATIONS**
527

- 528 A. Staff recommends that the Planning Commission adopt Resolution PC
529 2012-01 adopting a Mitigated Negative Declaration, finding that with the
530 inclusion of mitigation measures, the project will not have a significant
531 adverse impact on the environment.
532
533 B. Staff is recommending that the Planning Commission adopt Resolution PC
534 2012-02 approving a Conditional Use Permit and Design Review allowing
535 a new 30,000 gallon (approximately 12,600 cases) per year winery on the
536 subject parcel with the construction of a new 5,214 square feet winery
537 building and a bicycle rental business to occupy an existing space on the

538 property located at 963/965 Foothill Boulevard within the "CC-DD",
539 Community Commercial - Design District (APN 011-050-043), based upon
540 the findings and subject to conditions of approval contained in the
541 Resolution.

542

543 **ATTACHMENTS**

544

- 545 1. Vicinity Map
- 546 2. Draft Planning Commission Resolution PC 2012-01, Mitigated Negative
547 Declaration
- 548 3. Draft Planning Commission Resolution PC 2012-02, Conditional Use
549 Permit and Design Review
- 550 4. Traffic Study for the Lava Vine Winery Project dated September 21, 2011
- 551 5. Napa County Department of Public Works letter dated January 11, 2012
- 552 6. California Department of Fish and Game letter dated January 13, 2012
- 553 7. Engineered Plan Set received December 6, 2011
- 554 8. Architectural Plan Set received December 8, 2011

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556 *The Initial Study and Notice of Intent to Adopt Mitigated Negative Declaration is*
557 *Available Upon Request at the Planning and Building Department, 1232*
558 *Washington Street, City of Calistoga or on the City's web site at*
559 *www.ci.calistoga.ca.us. Please be advised that these documents have been*
560 *distributed to the Planning Commission in advance of this meeting.*

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562 **NOTE:** The applicant or any interested person is reminded that the Calistoga
563 Municipal Code provides for a ten (10) calendar day appeal period. If there is a
564 disagreement with the Planning Commission, an appeal to the City Council may be
565 filed. The appropriate forms and applicable fee must be submitted prior to 5:00
566 p.m. on or before the tenth calendar day following the Commission's final
567 determination.

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