

City of Calistoga

Staff Report

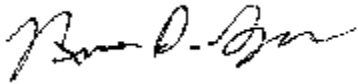
TO: Honorable Mayor and City Council

FROM: Joel Galbraith, Contract Planner

DATE: May 15, 2012

SUBJECT: Municipal Code Amendment and Development Agreement – Silver Rose Resort - 400 Silverado Trail (APNs 011-050-035, 036, 037, 039 and 04)

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

1

2 **ISSUE:** Consideration of an ordinance for a text amendment to the Calistoga Municipal

3 Code, initiated by the Silver Rose Venture LLC, amending Chapter 17.24, Title 17 (Zoning)

4 and amending Article III, Sections 17.24.170, 17.24.180, 17.24.190, 17.24.200, 17.24.210,

5 and 17.24.220 to replace the existing PD District with a new PD District to allow for the

6 redevelopment of the Silver Rose Resort with a Development Agreement.

7

8 **RECOMMENDATION:** Adopt Ordinance No. 681 and 682 as submitted.

9

10 **BACKGROUND:** On May 8, 2012, the City Council held a public hearing to consider a

11 recommendation to adopt an Ordinance that would allow for the redevelopment of the Silver

12 Rose Resort with a Development Agreement. Written and oral comments from the public

13 were received prior to and during the hearing, and the City Council adopted a Mitigated

14 Negative Declaration and approved the Conditional Use Permit, Design Review,

15 Development Plan and Tentative Map Resolutions with modifications which did not require

16 any changes to the Text Amendment or Development Agreement Ordinances. At the

17 conclusion of the hearing, the City Council introduced and waived the first reading of the

18 two Ordinances.

19

20 **FISCAL IMPACT:** The adoption of these two Ordinances will allow for development that
21 will generate additional tax revenue to the City.

22
23 **ATTACHMENTS:**

- 24
25 1. Ordinance No. 681
26 2. Ordinance No. 682

ORDINANCE NO. 681

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA ADOPTING AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE CALISTOGA MUNICIPAL CODE REZONING THE PROPERTY LOCATED AT 400 SILVERADO TRAIL (APN #S: 011-050-035; 011-050-036; 011-050-037; 011-050-039; & 011-050-040) FROM A “PD”, PLANNED DEVELOPMENT DISTRICT TO A “PD 2011-02”, SILVER ROSE RESORT PLANNED DEVELOPMENT DISTRICT

1 The City Council of the City of Calistoga does hereby ordain as follows:
2

3 **SECTION ONE:**
4

5 **WHEREAS**, an application was submitted by Silver Rose Venture, LLC on
6 December 22, 2011 requesting an amendment to Planned Development (PD 2007-1, as
7 amended) Zoning District to allow the integrated resort development and operations as
8 proposed for the Silver Rose Resort to be constructed on a 22.5-acre parcel of land
9 located at 400 Silverado Trail (APNs: 011-050-035; 011-050-036; 011-050-037; 011-050-
10 039; & 011-050-040); and
11

12 **WHEREAS**, An Initial Study/Mitigation Negative Declaration (IS/MND) was
13 completed in accordance with applicable CEQA Guidelines, and on February 27, 2012,
14 the IS/MND was circulated for public and agency review and comment. Copies of the
15 IS/MND were made available to the public at the Department of Planning and Building
16 and the IS/MND was distributed to interested parties and agencies. On March 16, 2012
17 a notice of the Planning Commission public hearing of March 28, 2012, to review the
18 IS/MND was published in the local newspaper; and
19

20 **WHEREAS**, the Planning Commission has recommended adoption of a Mitigated
21 Negative Declaration (Resolution PC 2012-09) based upon the initial study prepared for
22 this project finding that the proposed project, as amended by mitigation measures
23 agreed to by the applicant, would not have a significant adverse impact on the
24 environment; and
25

26 **WHEREAS**, the City Council adopted Resolution 2012-032 adopting a Mitigated
27 Negative Declaration based upon the initial study prepared for this project finding that
28 the proposed project, as amended by mitigation measures agreed to by the applicant,
29 would not have a significant adverse impact on the environment; and
30

31 **WHEREAS**, a public notice of the City Council public hearing of May 8, 2012 on
32 the Draft Initial Study/Mitigated Negative Declaration, Zoning Ordinance Text
33 Amendment and the proposed project planning actions was published in the local
34 newspaper and made available on the City’s website; and
35

36 **WHEREAS**, the City Council has reviewed and considered the application for the
37 Project at a special meeting on May 8, 2012 considered as one of its items of business,
38 this Ordinance to be adopted in accordance with Government Code Section 65090, this
39 Ordinance to be adopted in accordance with Government Code Section 65850, to

1 include the written and oral staff report, proposed findings and comments received from
2 the general public and interested agencies and parties; and
3

4 **WHEREAS**, the City Council adopted the following findings with the introduction
5 of an Ordinance:
6

- 7 1. The proposed text amendment will continue to provide flexibility in the
8 development while allowing for unique circumstances, and perpetual
9 maintenance of a winery development without adversely impacting the quality
10 that make the community unique.
11
- 12 2. The proposed text amendment is consistent with the City's General Plan
13 Rural Residential land use designation, Planned Development and Entry
14 Corridor 2 – Downvalley Silverado Trail Overlay, Visitor Accommodation and
15 Resort Character Overlay designations and related policies. Provisions for
16 uses and proposed revised development standards will preserve a significant
17 portion of the property for vineyard and protect existing trees to the extent
18 feasible consistent with the rural character of the area. Moreover, a
19 conditional use permit and design review is required for development of the
20 site, other than for small accessory structures, which will help to ensure that
21 the use of the site retains the sensitive elements of the parcel.
22
- 23 3. The proposed text amendment promotes and enhances the rural traditions of
24 the community and is necessary and proper to balance the natural and built
25 environment of this site at one of Calistoga's important gateways to the
26 community.
27
- 28 4. The proposed text amendment is necessary and proper to ensure that the
29 small town character of the community is preserved and enhanced consistent
30 with the General Plan, while providing reasonable opportunity to establish a
31 high quality resort development project.
32

33 **SECTION TWO:**

34
35 Section 17.24 of Title 17 (Zoning Ordinance) is hereby amended by replacing
36 subsection 17.24.170 through 17.24.220 as follows:
37

38 **Article III. PD 2011-02 (Silver Rose Resort)**

39 40 **17.24.170 Purpose.**

41
42 Planned Development District PD 2011-02 regulates development of approximately
43 22.5 acres of land (APN #s: 011-050-035; 011-050-036; 011-050-037; 011-050-039;
44 and 011-050-040) located at the northeast intersection of Rosedale Road and Silverado

1 Trail, as shown on the Zoning Map of the City of Calistoga, California, dated February
2 2003, and as legally described on Exhibit One to this article, which legal description is
3 on file with the City of Calistoga Planning Department. Planned Development District
4 PD 2011-02 is important to the community, as it regulates the coordinated development
5 of approximately 22.5 contiguous acres of land located at a key entrance to the
6 community in an area of outstanding natural beauty, which is surrounded by open
7 space, with a view of Mt. Washington located to the south across Silverado Trail.
8 Therefore, development of PD 2011-02 shall be visually sensitive to the rural scale of
9 the subject parcels and their surroundings. Unless otherwise provided below, all
10 proposed uses in PD 2011-02 shall require a use permit. For the purposes of this
11 section, a use permit shall be used interchangeably to also mean a planned
12 development permit. Development shall be in conformance with the regulations in this
13 article.

14 **17.24.180 Uses allowed.**

15 Uses allowed in PD 2011-02 are shown as follows:

16 A. Uses Allowed Without a Use Permit.

- 17 1. Light agricultural uses including, but not limited to, horticulture, floriculture,
18 viticulture, apiaries, and related uses, not to include stockyards or commercial
19 feeding of animals;
- 20 2. Detached Single-family dwellings on individual lots;
- 21 3. Home occupations in accordance with Chapter 17.21 CMC;
- 22 4. Uses determined by the Planning Commission to be similar in nature, as
23 provided in the procedures in Chapter 17.02CMC.

24 B. Uses Requiring a Use Permit.

- 25 1. Visitor accommodations and similar related ancillary services which are
26 subordinate to the visitor accommodations use of the lands covered by PD
27 2011-02. Related ancillary services include, but is not limited to, recreational
28 uses, including private recreational clubs, and conference facilities;
- 29 2. Spa and fitness facilities to include mineral baths, massage, and similar
30 related services for guests of visitor accommodations on the lands covered by
31 PD 2011-02 and for the general public;

1 3. Wineries; provided, that 75% of the wine produced at the winery is made with
2 fruit grown within the County of Napa;

3 4. Retail that is subordinate to the visitor accommodation, residential winery and
4 spa facilities on the lands covered by PD 2011-02;

5 5. Restaurant, including a bar, provided the sale of alcoholic beverages is
6 subordinate to food service on the lands covered by PD 2011-2;

7 7. Geothermal activity (exploration, development and use);

8 8. Private and public events.

9 9. Short-term rental of single-family homes when rented though the hotel/resort
10 operator, or HOA, or entity hired and approved by the HOA.

11 10. Uses determined by the Planning Commission to be similar in nature as
12 provided in the procedures in Chapter 17.02CMC.

13 **C. Allowed Accessory Buildings and Uses.**

14 1. Accessory buildings, such as a detached garage and storage shed, workshop,
15 or similar buildings, which are clearly incidental and subordinate to buildings
16 which are allowed with or without a use permit, are allowed without a use permit.

17 2. Uses which are clearly incidental and subordinate to uses allowed with or
18 without a use permit are allowed without a use permit.

19 3. Minimum setbacks for accessory buildings and structures shall comply with
20 the standards provided in Chapter 17.38 CMC, except that no accessory
21 building or structure shall be located within 30 feet from Silverado Trail right of
22 way.

23 **D. Prohibited Uses.** Uses not specified in subsections (A) through (C) of this section are
24 prohibited. (Ord. 648 § 2, 2008).

25 **17.24.190 Height limits.**

26 Height limit of buildings and structures in PD 2011-02 shall be 35 feet, unless otherwise
27 provided in Chapter 17.38 CMC.

28 **17.24.200 Development regulations.**

29 Development standards in PD 2011-02 are as follows:

1 A. Minimum Lot Area Requirements.

2 1. Single-family residential Lots 6,500 square feet;

3 2. Resort Lot 13 acres;

4 B. Minimum Lot Width Requirement.

5 1. Single-family residential Lot Width 60 feet;

6 2. Resort lot 1,000 feet;

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

8 1. Front yard:

9 a. Single-family residential lots 8 feet. In no case shall be less than 30 feet
10 from the Silverado Trail right of way and 20 feet from Rosedale Road right
11 of way;

12 b. Resort lot 30 feet from the Silverado Trail right of way right of way, except
13 on-site parking may project into the required Silverado Trail setback, but in
14 no case shall be less than 20 feet from the Silverado Trail right of way. All
15 parking shall be sufficiently screened from Silverado Trail.

16 2. Side yard:

17 a. Single-family residential lots 5 feet, except that structures exceeding 15
18 feet in height shall not have a side yard setback less than one-half the
19 height of the building. In no case shall a side yard be less than 5 feet or
20 required to be more than 20 feet; and in no case shall be less than 30 feet
21 from the Silverado Trail right of way and 20 feet from Rosedale Road right
22 of way.

23 b. Resort lot 5 feet, except that structures exceeding 15 feet in height shall
24 not have a side yard setback less than one-half the height of the building. In
25 no case shall a side yard be less than 5 feet or required to be more than 20
26 feet;

27

28

29

- 1 3. Rear yard:
- 2 a. Single-family residential lots 10 feet with a minimum of 20 feet from the
- 3 Rosedale Road right of way and 30 feet from the Silverado Trail right of
- 4 way.
- 5 b. Resort lot 20 feet from Rosedale Road right of way.

6 C. Lot Coverage. Maximum coverage of by all buildings or structures, including

7 accessory structures.

- 8 1. Single-family residential lots 50 percent;
- 9 2. Resort lot 25 percent.

10 D. Parking Requirements. Unless otherwise provided in an approved use permit or

11 planned development permit, on-site parking, loading and circulation shall comply with

12 the standards in Chapter 17.36 CMC.

13 **17.24.210 Design review requirements.**

14 Design review shall be required for all buildings or structures requiring a use permit in

15 this section. Administrative design review shall be required for all single-family

16 dwellings. Allowed accessory buildings shall also require design review for structures or

17 buildings 220 square feet or larger in size. Buildings and structures must be

18 harmoniously integrated with development of the parcels to minimize their impacts on

19 adjacent property, including the design and location of buildings, lighting, equipment to

20 enhance the comfort of customers dining outdoors, and landscaping. (Ord. 648 § 2,

21 2008).

22

23 **17.24.220 Minor Modifications of PD 2011-02**

24 A. The Planning and Building Department shall have the authority to administratively

25 interpret, modify and approve minor construction, remodels or renovations and

26 modifications generally consistent with the stated purpose and objectives as specified in

27 PD 2011-02.

28

29 **SECTION THREE:**

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31 If any section or portion of this ordinance is for any reason held to be invalid

32 and/or unconstitutional by a court or competent jurisdiction, such decision shall not

33 affect the validity of the remaining portions of this ordinance.

34

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36

1 **SECTION FOUR:**

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

7
8 **THIS ORDINANCE** was introduced with the first reading waived at the City of
9 Calistoga City Council meeting on the 8th day of May 2012, and was passed and
10 adopted at a regular meeting of the Calistoga City Council on the 15th day of May
11 2012, by the following vote:

12
13 **AYES:**

14 **NOES:**

15 **ABSENT/ABSTAIN:**

16
17 _____
JACK GINGLES, Mayor

18 **ATTEST:**

19 _____
20 **AMANDA DAVIS, Deputy City Clerk**