

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Erik V. Lundquist, Senior Planner
DATE: April 17, 2012
SUBJECT: BRIAN ARDEN WINERY – 331 Silverado Trail (APN 011-050-030)

APPROVAL FOR FORWARDING:

Richard Spitler, City Manager

1 **ISSUE:** Consideration of a Zoning Text Amendment (ZO 2011-01), Preliminary
2 and Final Development Plan (PD 2011-01), Conditional Use Permit (U 2011-12)
3 and Design Review (DR 2011-10), requested by Burt Harlan, to establish a
4 10,000 case production winery and wine related uses including limited events,
5 administrative offices, retail sales and tasting located at 331 Silverado Trail (APN
6 011-050-030) within the “PD”, Planned Development District.

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8 **RECOMMENDATIONS:**
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- 10 A. Adopt a Resolution approving a Mitigated Negative Declaration based on
11 an Initial Study.
12 B. Introduce Ordinance and waive the first reading approving a Zoning Text
13 Amendment establishing the “PD 2011-01”, Brian Arden Wines Planned
14 Development District.
15 C. Adopt a Resolution approving Preliminary & Final Development Plan,
16 Conditional Use Permit and Design Review
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18 **BACKGROUND:** This matter was heard by the Planning Commission at a
19 special meeting held on March 21, 2012. During this meeting the Planning
20 Commission heard presentations from staff and the applicant, and heard
21 testimony from the public. Following discussion and deliberation, the Planning
22 Commission recommended that the City Council take the following actions; 1)
23 adopt a Mitigated Negative Declaration, 2) approve a Zoning Ordinance Text
24 Amendment, and 3) approve a Preliminary/Final Planned Development Plan (PD
25 2011-01), Conditional Use Permit (U 2011-12) and a Design Review (DR 2011-
26 10). See attached Planning Commission Resolutions and Staff Report for details
27 regarding the Planning Commission’s consideration.

28 **DISCUSSION:** The project includes the development of a 10,000 case winery
29 (approximately 24,000 gallons) consisting of 2 buildings connected by a sky-light
30 covered crush pad. The development proposal requires amendment of the
31 current PD Zoning regulations to allow for the new development in conjunction
32 with the land-use entitlements. The land-use actions required for this application
33 include consideration of a Preliminary & Final Development Plan, Conditional
34 Use Permit and Design Review. A discussion on each of these aspects of this
35 project is as follows:

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37 **A. Zoning Ordinance Text Amendment**

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39 The first aspect of this application is a request to rezone the property from a “PD”
40 to the “PD 2011-01”, *Brian Arden Wines Planned Development District* in order to
41 accommodate the winery development since the existing “PD” District does not
42 contain specific development regulations. The intent of this “PD” District is not to
43 reduce development standards or increase the density established by the basic
44 zoning district, but to enhance development flexibility and creativity and impose
45 site-specific requirements.

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47 It should be noted that all applications requesting approval of a rezone shall be
48 brought to the City Council for consideration of whether a Development
49 Agreement would be appropriate for this project proposal. At this time the
50 applicant has not indicated a desire for a Development Agreement and staff does
51 not find need for such an agreement.

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53 **B. Preliminary/Final Development Plan, Conditional Use Permit and
54 Design Review**

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56 The “PD 2011-01”, *Brian Arden Wines Planned Development District*, if adopted,
57 would require a conditional use permit and design review. Additionally, the
58 Planned Development District, Chapter 17.24 of the Calistoga Municipal Code
59 requires the approval of a Preliminary and Final Development Plan using the
60 same procedures set forth in Chapter 17.40 of the Calistoga Municipal Code
61 (Use Permits). Since these multiple land use entitlements involve similar
62 processes and findings, it has been the City’s practice to synchronize multiple
63 applications in a single approval. The Planning Commission adopted
64 Resolution PC 2011-08 recommending to the City Council approval of a
65 Preliminary/Final Planned Development Plan (PD 2011-01), Conditional Use
66 Permit (U 2011-12) and a Design Review (DR 2011-10) for the project
67 incorporating findings and subject to conditions of approval.

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69 **GENERAL PLAN CONSISTENCY:** The Planning Commission found that the
70 project is consistent with the General Plan with respect to its architectural design,
71 intensity, and site layout. Please note that this project site is located within the

72 Rural Residential land use designation and the “Entry Corridor: 2 Downvalley
73 Silverado Trail” and the “Maxfield/Adams Beverage Company Properties”
74 Planned Development Overlay designations. The Planning Commission found
75 that the project will also satisfy these land use policies.
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77 **ENVIRONMENTAL ANALYSIS:** In accordance with the California
78 Environmental Quality Act (CEQA), the City of Calistoga, Planning and Building
79 Department prepared an Initial Study/CEQA Checklist for the project. On March
80 21, 2012, the Planning Commission adopted Resolution PC 2012-06
81 recommending to the City Council adoption of a Mitigated Negative Declaration
82 based on an Initial Study prepared for the project incorporating the findings and
83 mitigation measures as provided in the resolution. The City Council will be asked
84 to make a determination that the proposed project as amended by mitigation
85 measures, including the construction monitoring indicated below, will not have a
86 significant adverse effect on the environment.
87

88 On March 23, 2012, the City received a letter from the Mishewal-Wappo Tribe of
89 Alexander Valley requesting that a monitor be present on site during construction
90 due to the sensitivity of the area. As such, staff suggests adding the mitigation
91 measure as follows:
92

93 ***Construction Monitoring***

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95 *Mitigation Measure: During ground disturbing activities, a qualified cultural*
96 *resource consultant shall be present to monitor the site and activities. If*
97 *archaeological, historical, paleontological resources or other human*
98 *remains are encountered, all construction activity in the affected area shall*
99 *cease and no materials shall be removed until the qualified professional*
100 *surveys the site and mitigation measures can be proposed by the qualified*
101 *professional to the satisfaction of the Planning Division for approval and*
102 *subsequent implementation by the Applicant.*
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104 **FISCAL IMPACT:** Staff time and direct expenses associated with the processing
105 of this project has been offset by the applicant through application processing
106 fees. Long-term economic benefits to the City of Calistoga associated with this
107 project are anticipated in terms of development impact fees and increased
108 property tax and sales tax.
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110 **ATTACHMENTS:**

- 111
112 1. Draft Resolution adopting a Mitigated Negative Declaration
113 2. Draft Ordinance approving a Zoning Ordinance Map Amendment
114 3. Draft Resolution approving Preliminary & Final Development Plan,
115 Conditional Use Permit and Design Review

- 116 4. Vicinity Map
- 117 5. Planning Commission Staff Report dated March 21, 2012 (*Abbreviated*
- 118 *Version, no attachments*)
- 119 6. Planning Commission Resolution PC 2012-06, Mitigated Negative Declaration
- 120 7. Planning Commission Resolution PC 2012-07, Zoning Ordinance Text
- 121 Amendment
- 122 8. Planning Commission Resolution PC 2012-08, Preliminary/Final Development
- 123 Plan, Conditional Use Permit and Design Review
- 124 9. Mishewal-Wappo Tibe of Alexander Valley letter received March 23, 2012
- 125 10. California Department of Transportation letter dated March 2, 2012
- 126 11. W-trans, Response to Caltrans Comments dated March 9, 2012
- 127 12. Don Luvisi letter received February 3, 2012
- 128 13. City of Calistoga Letter dated February 10, 2012
- 129 14. Crane Transportation Group memorandum received February 6, 2012
- 130 15. Meibeyer Law Group letter received February 17, 2012
- 131 16. Bartelt Engineering letter dated February 14, 2012
- 132 17. W-trans letter dated February 13, 2012
- 133 18. Delta Consulting & Engineering letter dated February 13, 2012
- 134 19. Green Valley Consulting Engineers email dated February 17, 2012
- 135 20. Jones Family Vineyard letter dated March 5, 2012
- 136 21. Kennedy Brooks email received March 7, 2012
- 137 22. Karen Cakebread email received March 7, 2012
- 138 23. Piper Cole email received March 7, 2012
- 139 24. Elaine Sczuke letter received March 7, 2012
- 140 25. Jerry Baker letter received March 8, 2012
- 141 26. Dave Dexter email received March 10, 2012
- 142 27. Mitch and Tracey Hawkins received March 10, 2012
- 143 28. Thomas D. Vence letter received March 12, 2012
- 144 29. Daphne Araujo letter received March 12, 2012
- 145 30. David Goodrich letter received March 12, 2012
- 146 31. David Duncan, Twomey letter received March 12, 2012
- 147 32. Alf Burtleson letter received March 13, 2012
- 148 33. Robert Levenstein letter received March 13, 2012
- 149 34. Indian Springs Resort and Spa letter received March 14, 2012
- 150 35. Adam McClary email received November 16, 2012
- 151 36. Meibeyer Law Group letter received March 15, 2012
- 152 37. Joe Briggs letter received March 15, 2012
- 153 38. Douglas Sterk letter received March 15, 2012
- 154 39. Don Luvisi letter received March 15, 2012
- 155 40. Kate and Jack Berquist email received March 15, 2012
- 156 41. Matthew Moye letter received March 16, 2012
- 157 42. Tom Poggi letter received March 16, 2012
- 158 43. Clay Myers email received March 16, 2012
- 159 44. Mark Harmon letter received March 16, 2012

- 160 45. Merrill Lindquist email received March 16, 2012
- 161 46. Gary Wooton email received March 16, 2012
- 162 47. Curtis and Jillian Helmer letter received March 16, 2012
- 163 48. Kristin Martin letter received March 19, 2012
- 164 49. Delina Dysart email received March 19, 2012
- 165 50. Charlotte Williams email received March 16, 2012
- 166 51. Norma Tofanelli email received March 19, 2012
- 167 52. Multisource, Stan Brody letter received March 20, 2012
- 168 53. Martie and Larry Frierson email received March 21, 2012
- 169 54. Shute, Mihaly & Weinberger, LLP letter dated March 21, 2012
- 170 55. Meibeyer Law Group letter received March 21, 2012
- 171 56. Architectural Plan Set prepared by Di Fede Design Group
- 172 57. Engineered Plan set prepared by James Cassayre

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

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