

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-__

**RESOLUTION APPROVING CONDITIONAL USE PERMIT CUP 2013-05
ALLOWING A NEW WINERY WITHIN THE EXISTING INDUSTRIAL BUILDING
AT 865 SILVERADO TRAIL.**

1 **WHEREAS**, Gordon Lehman, on behalf of Miocene Wine, LLC is the
2 applicant of the subject property for which this application is proposed; and

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4 **WHEREAS**, on March 27, 2013 the applicant submitted a Conditional Use
5 Permit application to establish a new winery within the existing industrial building
6 at 865 Silverado Trail (APN 011-050-024) within the Light Industrial (I) Zoning
7 District; and

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9 **WHEREAS**, the Planning Commission has reviewed and considered this
10 application at its regular meeting on May 22, 2013 and prior to taking action on
11 the application, the Commission received written and oral reports by Staff and
12 received public testimony; and

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14 **WHEREAS**, this action has been reviewed for compliance with the
15 California Environmental Quality Act (CEQA) and is exempt from the
16 requirements of the CEQA pursuant to Section 15301 of the CEQA guidelines;
17 and

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19 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has
20 made the following Conditional Use Permit findings for the project:

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22 1. The proposed development, together with any provisions for its design
23 and improvement, is consistent with the General Plan, any applicable
24 specific plan and other applicable provisions of the Zoning Code including
25 the finding that the use as proposed is consistent with the historic, rural,
26 small-town atmosphere of Calistoga.

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28 Finding: The General Plan designation for the project area is Light
29 Industrial. The property is also subject to the Entry Corridor 2: Downvalley
30 Silverado Trail overlay, which allows the establishment of a winery in this
31 area, subject to a use permit. The Resort Character Area overlay, which
32 also applies to the property, allows re-use of the existing industrial
33 building, as well as the proposed light industrial use. Additionally, the
34 proposed use, "winery and tasting facility" is enumerated as a conditionally
35 allowed use within the Light Industrial Zoning District.

- 36
37 2. The site is physically suitable for the type and density of development.

39 Finding: No physical changes to the existing structure are proposed. Only
40 minor changes in the traffic patterns will occur as a result of this project,
41 which are insignificant and will have no change to the existing traffic
42 volumes or level of service at key intersections.

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44 3. The proposed development has been reviewed in compliance with the
45 California Environmental Quality Act (CEQA) and the project will not result
46 in detrimental or adverse impacts upon the public resources, wildlife or
47 public health, safety and welfare.

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49 Finding: The project is exempt from CEQA per Section 15301 of the
50 CEQA Guidelines. As conditioned, this use will not result in detrimental or
51 adverse impacts upon the public resources, wildlife or public health, safety
52 and welfare.

- 53
54 4. Approval of the use permit application will not cause adverse impacts to
55 maintaining an adequate supply of public water and an adequate capacity
56 at the wastewater treatment facility.

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58 Finding: The proposed use will not cause and/or propose any additional
59 water or wastewater treatment demand. The property carries a baseline
60 of 70 acre feet of water and 95 acre feet of wastewater annually.

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62 5. Approval of the use permit application shall not cause the extension of
63 service mains greater than 500 feet.

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65 Finding: Approval of this use permit application shall not cause the
66 extension of service mains greater than 500 feet.

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68 6. An allocation for water and/or wastewater service pursuant to Chapter
69 13.16 CMC (Resource Management System) shall be made prior to
70 project approval. Said allocation shall be valid for one year and shall not
71 be subject to renewal.

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73 Finding: New allocations for water and/or wastewater service are not
74 required for projects that do not impact these resources.

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76 7. The proposed development presents a scale and design which are in
77 harmony with the historical and small-town character of Calistoga.

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79 Finding: No significant physical or exterior changes to the existing
80 structure are proposed.

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82 8. The proposed development is consistent with and will enhance Calistoga's
83 history of independent, unique, and single location businesses, thus
84 contributing to the uniqueness of the town, which is necessary to maintain
85 a viable visitor industry in Calistoga and to preserve its economy.

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87 Finding: The proposed use is a winery that will contribute to the local
88 viticulture industry, thereby enhancing the local economy.

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90 9. The proposed development complements and enhances the architectural
91 integrity and eclectic combination of architectural styles of Calistoga.

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93 Finding: There are no significant physical changes that will occur to the
94 exterior of the existing metal building.

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96 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
97 Commission that based on the above Findings the Planning Commission
98 approves the proposed project, subject to the following Conditions of Approval.

- 99
100 1. This permit authorizes the establishment and operation of Miocene Winery
101 on the site consistent the engineered plan set received April 18, 2013
102 prepared by Robertson Engineering, Inc. consistent with all other City
103 ordinances, rules, regulations, and policies. The use shall also be
104 consistent with the project description set forth in the Planning
105 Commission Staff Report dated May 22, 2013. The conditions listed below
106 are particularly pertinent to this permit and shall not be construed to permit
107 violation of other laws and policies not so listed.
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109 2. Development and use of the Miocene Winery project shall conform to all
110 required conditions established herein. If the conditions to the granting of
111 this use permit have not been or are not complied with, or the use which is
112 established by this permit have become detrimental to the public health,
113 safety or general welfare, the Planning Commission may consider an
114 amendment to these conditions or possible revocation of this permit to
115 protect the public health, safety and general welfare of the community, as
116 set forth in the City's Zoning Ordinance. The Planning and Building
117 Department Director may approve minor amendments to this conditional
118 use permit provided that the amendment is still in substantial conformance
119 with the original approval.
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121 3. Wine production shall be limited to 85,000 gallons or 35,744 cases of wine
122 annually. Barrel storage and/or annual wine production may be increased

- 123 up to 500,000 gallons or 210,260 cases of wine upon securing an
124 administrative use permit. Upon expansion an on-site pre-treatment shall
125 be installed and the hold and haul system abandoned subject to the
126 review and approval of the City.
127
- 128 4. The normal business operations within the structure shall not be limited to
129 specific days of the week or hours, unless substantial health, safety and
130 welfare impacts occur, in which case the Planning and Building Department
131 or the Planning Commission may impose greater restrictions.
132
- 133 5. Wine-related events in excess of 25 people may be authorized with an
134 Administrative Use Permit provided no more than four events occur within
135 the calendar year and public notice is given to the adjoining properties
136 within a 300 foot radius. Weddings, private parties or other non-wine
137 related events are strictly prohibited.
138
- 139 6. The term of approval of this permit shall expire one year from the permit's
140 effective date, unless an extension and/or building permit has been issued
141 for the project prior to the expiration date.
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- 143 7. All work performed in conjunction with this approval shall be by individuals
144 who possess a valid business license from the City of Calistoga.
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- 146 8. The property owner shall obtain a Building Permit for construction of all
147 improvements located on the site, not otherwise exempt by the California
148 Building Code or any State or local amendment adopted thereto.
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- 150 9. Prior to issuance of all building permits, the property owner agrees to pay
151 all fees associated with plan check and building inspections, and
152 associated development impact fees rightfully established by City
153 Ordinance or Resolution, unless otherwise deferred by the Planning and
154 building Department.
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- 156 10. The property carries a baseline of 70 acre feet of water and 95 acre feet of
157 wastewater annually. Access to all on-site domestic water meters shall be
158 provided. If not, and/or if the use ever exceeds this baseline or any other
159 change of use occurs to the building, the owner shall obtain a Growth
160 Management Allocation and pay for the additional connection fees
161 required for the additional water and sewer allocation subject to the review
162 and approval of the Planning and Building and Public Works Departments.
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- 164 11. No signage is permitted as a result of this approval. All signage shall be
165 subject to the approval of the Planning and Building Department.
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- 167 12. Prior to occupancy, the existing fire sprinkler system and alarm system
168 shall be evaluated and tested for the winery use subject to the review and
169 approval of the Fire Department.
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- 171 13. The property shall have illuminated address numbers that are clearly
172 visible to the street day and night.
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- 174 14. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code,
175 businesses that generate hazardous waste and/or store hazardous
176 materials above threshold amounts shall file a Hazardous Waste
177 Generator Application and/or Hazardous Materials Business Plan with the
178 Department of Environmental Management within 30 days of said
179 activities. All businesses must submit the required Business Activities
180 Form which can be obtained from the Department of Environmental
181 Management.
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- 183 15. Prior to occupancy, permits to construct the proposed hold and haul
184 system shall be reviewed and approved by the Napa County
185 Environmental Health. Plans for the proposed hold and haul system shall
186 be designed by a license Civil Engineer or Registered Environmental
187 Health Specialist. An annual hold and haul system monitoring permit must
188 be obtained prior to occupancy. All wine waste or wash water shall be
189 directed to the hold and haul system.
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- 191 16. Prior to occupancy, the applicant shall file a Notice of Intent (NOI) and
192 complete a Storm Water Pollution Prevention Plan with the State of
193 California Water Resources Control Board's (SWRCB) Industrial
194 Permitting program, if applicable, within 30 days of receiving a temporary
195 or final certificate of occupancy.
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- 197 17. Prior to occupancy, a refuse enclosure/area shall be reviewed and approved
198 by the Planning and Building Department. Adequate area must be provided
199 for collection of recyclables. The applicant shall contact Upper Valley
200 Disposal in order to determine the area and the access needed for this
201 refuse area.
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- 203 18. Prior to building permit issuance, the applicant shall provide the City with a
204 closed circuit television inspection of the existing sewer lateral serving the
205 structure and repair and/or replace the line if warranted.

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19. During the construction, demolition, or renovation period of the project the applicant should use Upper Valley Disposal for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
20. Applicant shall obtain a license from the State Department of Alcoholic Beverage Control prior to operation.

PASSED AND ADOPTED on May 22, 2013, by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

JEFF MANFREDI, Chairman

ATTEST: _____
Lynn Goldberg
Secretary to the Planning Commission