

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

up to 500,000 gallons or 210,260 cases of wine upon securing an administrative use permit. Upon expansion an on-site pre-treatment shall be installed and the hold and haul system abandoned subject to the review and approval of the City.

4. The normal business operations within the structure shall be limited to 8 am to 5 pm seven days per week, unless substantial health, safety and welfare impacts occur, in which case the Planning and Building Department or the Planning Commission may impose greater restrictions. During harvest and the production season the hours may be extended from 7 am to 10 pm.
5. Wine-related events in excess of 25 people may be authorized with an Administrative Use Permit provided no more than four events occur within the calendar year and public notice is given to the adjoining properties within a 300 foot radius. Weddings, private parties or other non-wine related events are strictly prohibited.
6. The term of approval of this permit shall expire one year from the permit's effective date, unless an extension and/or building permit has been issued for the project prior to the expiration date.
7. All work performed in conjunction with this approval shall be by individuals who possess a valid business license from the City of Calistoga.
8. The property owner shall obtain a Building Permit for construction of all improvements located on the site, not otherwise exempt by the California Building Code or any State or local amendment adopted thereto.
9. Prior to issuance of all building permits, the property owner agrees to pay all fees associated with plan check and building inspections, and associated development impact fees rightfully established by City Ordinance or Resolution, unless otherwise deferred by the Planning and building Department.
10. The property carries a baseline of 70 acre feet of water and 95 acre feet of wastewater annually. Access to all on-site domestic water meters shall be provided. If not, and/or if the use ever exceeds this baseline or any other change of use occurs to the building, the owner shall obtain a Growth Management Allocation and pay for the additional connection fees required for the additional water and sewer allocation subject to the review and approval of the Planning and Building and Public Works Departments.

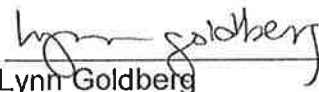
11. No signage is permitted as a result of this approval. All signage shall be subject to the approval of the Planning and Building Department.
12. Prior to occupancy, the existing fire sprinkler system and alarm system shall be evaluated and tested for the winery use subject to the review and approval of the Fire Department.
13. The property shall have illuminated address numbers that are clearly visible to the street day and night.
14. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management.
15. Prior to occupancy, permits to construct the proposed hold and haul system shall be reviewed and approved by the Napa County Environmental Health. Plans for the proposed hold and haul system shall be designed by a license Civil Engineer or Registered Environmental Health Specialist. An annual hold and haul system monitoring permit must be obtained prior to occupancy. All wine waste or wash water shall be directed to the hold and haul system.
16. Prior to occupancy, the applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy.
17. Prior to occupancy, a refuse enclosure/area shall be reviewed and approved by the Planning and Building Department. Adequate area must be provided for collection of recyclables. The applicant shall contact Upper Valley Disposal in order to determine the area and the access needed for this refuse area.

18. Prior to building permit issuance, the applicant shall provide the City with a closed circuit television inspection of the existing sewer lateral serving the structure and repair and/or replace the line if warranted.
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: MANFREDI, COATES, BUSH, KUSENER, COOPER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


JEFF MANFREDI, Chairman

ATTEST: 
Lynn Goldberg
Secretary to the Planning Commission