

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: AUGUST 27, 2008

SUBJECT: THE MOYE WINERY LOCATED AT 2280 GREENWOOD AVENUE (APN 011-351-017) - USE PERMIT (U 2007-12) AND DESIGN REVIEW (DR 2007-14)

1 **REQUEST**

2 Consideration of a request by the applicants, Matthew and Adrian Moye, for a
3 Conditional Use Permit (U 2007-12) and Design Review (DR 2007-14) to allow
4 the development of a boutique winery with an annual production of up to 4,000
5 cases of wine. The proposed winery structure will be located near the existing
6 residence and will be approximately 4,714 square feet in size and approximately
7 23'-6" in height, as measured from the average natural grade to the midpoint of
8 the roof. An exception to the water connection requirements is also being
9 requested to allow the use of ground water rather than City water. The property is
10 located at 2280 Greenwood Avenue (APN 011-351-017) within the "RR", Rural
11 Residential Zoning District.

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13 **BACKGROUND AND SETTING**

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15 The 6.20-acre property, currently owned by Vincent and Marjorie Arroyo, is
16 located in the northern most quadrant of the City near the city limits and is
17 surrounded by rural residential properties established with residential and light
18 agricultural uses and structures, primarily vineyards and orchards. The property
19 is developed with an existing single family residence and is currently a producing
20 vineyard. The property is currently served by an on site well and septic system.
21 The property is accessed via Greenwood Avenue, which is a County maintained
22 roadway.

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Viewing east down existing driveway from Greenwood Avenue

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PROPOSAL

The Applicant's, Matthew and Adrian Moye, propose to develop a boutique winery or a large scale winery, as defined per 17.14.020(B)(9) CMC, with an annual production of up to 4,000 cases of wine on the property. The proposed 2-story winery structure will be located behind the existing residence toward the southeast. The structure will be approximately 4,714 square feet in size and approximately 23'-6" in height, as measured from the average natural grade to the midpoint of the roof. The 2,072 square foot ground floor will consist of barrel storage and production facilities, bathrooms, lab/office and a kitchen. An approximately 1,367 square feet covered tank pad and/or crush pad will be developed off of the ground floor. The second story is approximately 1,275 square feet in size and contains office space and the tasting room. The structure will be built using conventional wood frame construction with siding and insulation for temperature control. The structure will be painted consistent with the residence. The crush pad will accommodate a crusher, press and fermentation tanks and other winery equipment as necessary.

As proposed, administrative activities for the winery will occur between the hours of 8:00 am and 5:00 pm everyday of the week. Six standard and one handicap parking spaces are provided at the end of the driveway to accommodate the employees and guests. Tours and tasting at the winery will be by appointment

50 only, which will be scheduled between the hours of 10 am and 4:00 pm daily. The
 51 winery will have no more than 4 special events per year. Winery operations will
 52 vary depending on the season and weather. During the harvest season vineyard
 53 production activities may be in operation for more than a 24-hour period.

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 55 The proposed winery will not advertise in publications produced for general
 56 distribution for wine marketing events. The proposed winery plans on applying for
 57 a federal permit to become a licensed and bonded facility as well as a California
 58 alcoholic beverage license. Local deliveries via carriers like UPS and Fedex are
 59 anticipated within operation hours.

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 61 The vineyard located on the property currently produces an average yield of
 62 thirty-two tons, which will adequately supply the winery with more than 50
 63 percent of the fruit necessary to supply the 4,000 cases wine.

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 65 **STAFF ANALYSIS**

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 67 **A. Land Use**

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 69 The Land Use Element of the 2003 General Plan Update designates the property
 70 as Rural Residential. With respect to the development and operation of wineries,
 71 the Land Use Element identifies that winery operations may occur with
 72 discretionary permit approval within the "Rural Residential" land use designation.
 73 Uses allowed in this designation include crop production, vineyards, light
 74 agricultural structures, and single-family residences. The proposed large scale
 75 winery is consistent with the land use policies contained in the 2003 General
 76 Plan Update.

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 78 Applicability to the City's Zoning Ordinance is summarized below:
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2280 Greenwood Avenue - Site Data Table		
Development Criteria	Code Requirements	Existing/Proposed
Parking Requirements	Residential: two spaces for each dwelling unit. Agricultural Operations: Manufacturing and production 1 space per 500 square feet. Office: 1 space per 250 square feet Bulk Retail Sales and Tasting: 1 space per 500 square feet	Parking for residence proposed in existing garages and parking for agricultural uses proposed toward interior of site. Sufficient parking will be provided. Agricultural Operations: 2,072 sq. ft. = 4 spaces required Office: 528 sq. ft. = 2 spaces required Bulk Retail Sales and Tasting: 528 sq. ft. = 1 space required
Min Lot Size	2 acres	6.20 acres

Minimum Lot Width	100 Feet	484.70 Feet
Minimum Lot Depth	200 Feet	471.89
Setbacks:		
Front yard	50 Feet	>250 Feet
Side yard	20 Feet	>170 Feet
Rear yard	20 Feet	>90 feet
Adjacent Dwelling	50 Feet	>100 Feet
Lot Coverage	30 Percent	<30 Percent

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In addition to the aforementioned development standards, Section 17.14.020(B)(9) of the Calistoga Municipal Code (CMC) establishes guidelines for large scale wineries, which must be considered prior to use permit approval. Staff has reviewed these guidelines and finds that the project is consistent with these land use requirements provided that conditions of approval are established, which will regulate operations (intensity of production and events).

B. Water and Wastewater Resources

A preliminary water report was prepared by Sterk Engineering, Inc., which identifies that the project will need approximately 1.10 acre feet of water per year. The property is developed with a 2-bedroom single family residence. The City's standardize use table estimates that a 1 to 3 bedroom residence would need 0.428 acre feet of water annually. The use of water for the vineyard is zero, as it is dry farmed and has no frost protection utilities. The winery production is anticipated to need approximately 600 gallons per day or 0.67 acre feet per year. Therefore, the property is expected to generate a need for approximately 1.10 acre feet water annually. The Applicant seeks to use the existing well as their potable water source.

Since a well is proposed, the applicant has petitioned for an exception to the water system connection requirements. The petition has been correctly filed pursuant to Section 13.04.170(B) of the Calistoga Municipal Code, which establishes requirements for the City Council to evaluate petitions for exceptions.

Current City policy establishes that an acceptable level of allowable well water usage in the valley floor for agricultural usage is 1.0 acre feet per acre of land annually. This property is 6.20 acres. The proposed water usage is far less than 6.20 acre feet of water, which is much less than what was previously determined by the City Council to be an acceptable level of allowable water usage. Thus, the impact to groundwater supplies is considered to be less than significant and Staff finds that the project meets the criteria for granting the exception.

115 In addition, the applicant proposes to develop an on-site septic system for winery
116 and sewage waste disposal. Pursuant to the Municipal Code Section 13.08.140,
117 the project is only required to connect to the City sewer system when the public
118 sewer line is available and/or within 200 feet of the property. In this case the
119 public sewer line is more than 200 feet and is therefore, not required to connect
120 to the City system.

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122 Moreover, a feasibility report has been prepared by Sterk Engineering Inc., which
123 concludes that there is sufficient acceptable soil to install an engineered septic
124 system. The County of Napa Environmental Management Division has
125 concurred with the Engineer's findings, provided that the combined total number
126 of visitors and employees is less than 25 per day. As a result, Staff supports the
127 use of an on site septic system for wastewater disposal.

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129 **C. Growth Management**

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131 On January 4, 2005, the City Council adopted Ordinance #616, which
132 established a Growth Management System applicable to development in all
133 zoning districts. Section 19.02.0509(D) of the Calistoga Municipal Code states:

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135 *“Dwellings or non-residential structures on existing parcels of*
136 *record which have paid water and wastewater connection fees prior*
137 *to the effective date of this ordinance and are paying water meter*
138 *service charges and/or a waste water capacity allocation charge to*
139 *maintain a water and/or waste water allocation. In such instances,*
140 *the parcel shall have a history of residential or non-residential*
141 *development in the past, and the proposed new development shall*
142 *not exceed the water consumption and wastewater production of*
143 *the original development, as defined in the City's Standardized Use*
144 *Table or established baseline allocation, as applicable. This*
145 *exception does not apply to parcels that do not have a history of*
146 *residential or non-residential development.”*

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148 The property does have a history of residential development. Although, since the
149 property has only used ground water and an on site septic system, the property
150 has an existing allocation or baseline of zero. However, if an exception is
151 ultimately grant by the City Council the project will continue to use ground water
152 and an on site septic system, in which case the project will not result in an
153 increase in water usage or wastewater usage. Therefore, this project is found to
154 be exempt from the City's Growth Management System.

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159 **D. Traffic and Circulation**

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161 The project is served by a roadway network of Greenwood Avenue, Lake County
162 Highway (State Route 29), Grant Street and Myrtledale Road. Primary access
163 to the property is from Greenwood Avenue, which is a County maintained
164 roadway located outside of the City limits. Even though Greenwood Avenue is a
165 County maintained roadway, Greenwood Avenue is classified as a Collector
166 Street in the City's General Plan. In which case, Section 12.040.110(C) of the
167 Calistoga Municipal Code states:

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169 *"C. Collector Street Section. The collector street section shall have a 60-*
170 *foot right-of-way with a four-foot sidewalk placed against the right-of-way*
171 *line and a six-foot planter adjacent to the sidewalk or a four-foot public*
172 *utility easement placed against the right-of-way line and a six-foot*
173 *sidewalk adjacent to the easement, with curb and gutter on each side of*
174 *the street. The roadway section shall be 40 feet between curb faces to*
175 *comprise an eight-foot parking lane, two 12-foot traveled lanes and an*
176 *eight-foot parking lane."*

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178 However, City staff recommends lesser improvements than that required by the
179 CMC Collector Street Section in order to create and maintain the rural condition
180 of the area. As such, Staff has expressed this desire to the County. The County
181 concurs that this roadway should remain in its' current configuration with the
182 exception to the driveway encroachment, which shall be designed in accordance
183 with the County standards, see attached letter from the Napa County Public
184 Works Department dated October 29, 2007.

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186 In addition, this project has the potential to result in on site traffic conflicts unless
187 conditions are incorporated into the project to mitigate these potential impacts.
188 Presently, the parking areas and/or driveway are not surfaced with asphalt,
189 concrete or equivalent material as required by Section 17.36.090 of the Calistoga
190 Municipal Code. However, this code section also allows the Planning
191 Commission to approve proposals for parking lots surfaced in manners other
192 than these materials when factors justify a minimum improvement. Therefore, if
193 the Commission determines that there are factors that justify the existing surface
194 treatment, the Commission may allow an alternative surfacing material and
195 eliminate the requirement for additional surfacing provided that the surfacing
196 material is adequate to meet the Fire Department's requirements.

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198 **E. Hazards**

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200 Chapter 15.32 of the Calistoga Municipal Code requires that fire sprinklers
201 systems be installed in all new structures. As such, a condition of approval
202 requiring installation of fire sprinklers has been included as part of this project.

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204 In addition, the Fire Department has commented that the project could become
205 hazardous if not developed pursuant to the *Fire Department Access and Water*
206 *Supply* provisions of the 2001 Fire Code, Article 9. Conditions of approval have
207 also been incorporated into the project that require Fire Department review and
208 approve of all site improvements and structures for conformance with these
209 standards prior to building permit issuance.

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211 **F. Aesthetics**

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213 As discussed in the project description, the proposed 2-story winery will be
214 approximately 4,714 square feet in size and approximately 23'-6" in height, as
215 measured from the average natural grade to the midpoint of the roof. The
216 structure will be built using conventional wood frame construction with siding and
217 insulation for temperature control. The structure will be painted consistent with
218 the residence. The crush pad will accommodate a crusher, press and
219 fermentation tanks and other winery equipment.

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221 Primary views are to the surrounding
222 hillsides, including Mt. St. Helena and
223 the Palisades. Several properties to the
224 south view across this property to these
225 vistas. However, the overall height
226 (maximum allowed, 25 feet from the
227 average natural grade to the mid-point
228 of the roof) of the proposed structure
229 and water tanks combined with the
230 distances between the properties and
231 structures results in a less than
232 significant impact on these vistas.

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234 Furthermore, the building material and
235 the use of neutral colors and hues will
236 be used to soften the structure against
237 the natural landscape.

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239 **FINDINGS**

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241 To reduce repetition, all of the appropriate findings are contained in each of the
242 appropriate Resolutions, see attached.

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244 **PUBLIC COMMENTS**

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246 To date no written public comments have been received.



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ENVIRONMENTAL REVIEW

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As a result of sending the CEQA notice to the State Office of Planning and Research (OPR) Clearinghouse, the City has received one written comment from the Department of Transportation, Caltrans. In a letter dated July 29, 2008, Caltrans questions whether or not the project will have impacts on state transportation facilities, specifically to State Routes 29 and 128. Caltrans further states that a traffic impact analysis (TIA) is warranted if:

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1. The project would generate over 100 peak hour trips assigned to a state highway facility; or
2. The project would generate 50 to 100 peak hour trips assigned to a state highway facility, and the affected highway facilities are experiencing noticeable delay; approaching unstable traffic flow (level of service (LOS "C" or "D") conditions; or
3. The project would generate 1 to 49 peak hour trips assigned to a state highway facility, and the affected highway facilities are experiencing significant delay; unstable or forced traffic flow (LOS "E" or "F") conditions.

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In response, Staff finds that the project does not meet criteria No. 1 or 2. However, one could claim that the project may put one additional trip onto the SR128/Petrified Forest Road or SR 29/128 intersections, which are roughly at LOS E and F during the peak tourist season. Although, based upon the project description and because of the proximity of the project to these intersections (through several connections and other intersections) a nexus is not clearly evident. Furthermore, the General Plan Update EIR and the Overriding Consideration adopted as part of the Palisades Resort and Spa EIR found that mitigations measures to improve the peak-hour LOS at these intersections would potentially involve the installation of a traffic signal, along with reconfiguration of the intersections, and that those improvements would change the character of the town and would require acquisition of property. As such the City accepts the current LOS and finds that this project, 1) does not meet Criteria No. 3, 2) does not warrant a TIA to be prepared, and 3) does not have a poetically significant affect on state highway facilities.

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RECOMMENDATIONS

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- A. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2008-38 recommending to the City Council adoption of a Mitigated Negative Declaration based on an Initial Study

290 prepared for the Moye Winery Project incorporating the findings and
291 mitigation measures as provided in the resolution

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293 B. Staff recommends that the Planning Commission adopt Planning
294 Commission Resolution PC 2008-39 recommending that the City Council
295 grant a water exception and allow a winery to use ground water rather
296 than connect to the City's water system on the property located at 2280
297 Greenwood Avenue (APN 011-351-017) within the "RR", Rural Residential
298 Zoning District, based upon the findings presented in the resolution and
299 subject to conditions of approval.

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301 C. Staff recommends that the Planning Commission adopt Resolution PC
302 2008-40 recommending approval of Conditional Use Permit (U 2007-12)
303 and Design Review (DR 2007-14) allowing a winery, with an annual
304 production of up to 400 cases, including wine tasting and retail sales on
305 the property located at 2280 Greenwood Avenue (APN 011-351-017)
306 within the "RR", Rural Residential Zoning District, based upon the findings
307 presented in the resolution and subject to conditions of approval.

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309 **SUGGESTED MOTIONS**

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311 **Mitigated Negative Declaration**

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313 I move that the Planning Commission adopt Planning Commission Resolution PC
314 2008-38 recommending to the City Council adoption of a Mitigated Negative
315 Declaration based on an Initial Study prepared for the Moye Winery Project
316 incorporating the findings and mitigation measures as provided in the resolution.

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318 **Water Exception**

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320 I move that the Planning Commission adopt Planning Commission Resolution PC
321 2008-39 recommending that the City Council grant a water exception and allow a
322 winery to use ground water rather than connect to the City's water system on the
323 property located at 2280 Greenwood Avenue (APN 011-351-017) within the
324 "RR", Rural Residential Zoning District, based upon the findings presented in the
325 resolution and subject to conditions of approval.

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327 **Conditional Use Permit and Design Review**

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329 I move that the Planning Commission adopt Resolution PC 2008-40 recommending
330 approval of Conditional Use Permit (U 2007-12) and Design Review (DR 2007-
331 14) allowing a winery, with an annual production of up to 4,000 cases, including
332 wine tasting and retail sales on the property located at 2280 Greenwood Avenue
333 (APN 011-351-017) within the "RR", Rural Residential Zoning District, based

334 upon the findings presented in the resolution and subject to conditions of
335 approval.

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

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344 **ATTACHMENTS**

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- 346 1. Draft Mitigated Negative Declaration Resolution PC 2008-38
- 347 2. Draft Water Exception Resolution PC 2008-39
- 348 3. Draft Conditional Use Permit and Design Review Resolution PC 2008-40
- 349 4. Abbreviated Initial Study (Complete Study Available upon Request)
- 350 5. Description of Corrugated Steel Tanks
- 351 6. County of Napa Department of Public Works – Roads Division letter dated
352 October 29, 2007
- 353 7. Septic Feasibility Letter prepared by Sterk Engineering Inc. dated January 7,
354 2008
- 355 8. Preliminary Water Report prepared by Sterk Engineering dated May 23,
356 2008
- 357 9. Department of Transportation, Caltrans letter dated July 29, 2008
- 358 10. Project Plans

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