


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Associate Planner
VIA: Charlene Gallina, Planning and Building Director
DATE: September 16, 2008
SUBJECT: Moye Winery – 2280 Greenwood Avenue (APN 011-351-017)

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

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REQUEST: Consideration of a request by Matthew and Adrian Moye for a Conditional Use Permit (U 2007-12) and Design Review (DR 2007-14) to allow the development of a large scale winery with an annual production of up to 4,000 cases of wine. An exception to the water connection requirements is also being requested to allow the use of ground water rather than City water. The property is located at 2280 Greenwood Avenue (APN 011-351-017) within the “RR”, Rural Residential Zoning District.

In accordance with the California Environmental Quality Act (CEQA), a Draft Initial Study/CEQA Checklist has been prepared for the above referenced project.

Please note that this project is being elevated to the City Council since the project involves a petition for exception from the water connection requirements.

RECOMMENDATIONS:

1. Adopt a Resolution adopting a Mitigated Negative Declaration; and
2. Adopt a Resolution excepting the property from the requirements to connect to City water; and
3. Adopt a Resolution approving a Conditional Use Permit and Design Review.

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BACKGROUND:

The Planning Commission heard this matter on August 27, 2008. Following discussion, the Planning Commission recommended that the City Council approve the proposal subject to a series of mitigation measures and conditions.

PROJECT DESCRIPTION:

Matthew and Adrian Moye, propose to develop 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.

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

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

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

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STAFF ANALYSIS & DISCUSSION:

A. Conditional Use Permit and Design Review

As a result of the property being located within the "RR", Rural Residential Zoning District, a Conditional Use Permit is required pursuant to Section 17.14.020(B)(9) of the Calistoga Municipal Code (CMC). Section 17.14.020(B)(9) CMC establishes guidelines for large scale wineries, which must be considered prior to use permit approval. The Planning Commission reviewed these guidelines and found that the project is consistent with these land use requirements provided that conditions of approval are established, which will regulate operations (i.e. intensity of production and events).

In addition to the aforementioned Zoning Ordinance provisions, the Planning Commission also reviewed the project as it relates to the Growth Management System, traffic, aesthetics, fire hazards and water and wastewater systems. Based upon their review the Planning Commission found that the project was consistent with the General Plan, Municipal Code and was not a detriment to the public health, safety and welfare provided conditions of approval were incorporated into the project (see attached Resolutions).

B. Water Connection Exception

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.

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 the established acceptable level of allowable water usage. Thus, the impact to groundwater supplies is considered to be less than significant and the Planning Commission found that the project meets the criteria for granting the exception.

105 **ENVIRONMENTAL REVIEW:**

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107 In accordance with the California Environmental Quality Act (CEQA) an Initial Study/CEQA
108 Checklist was prepared for the project. Potentially significant environmental impacts were
109 identified. The applicant has agreed to incorporate the mitigation measures. Furthermore,
110 the Planning Commission has recommended that the proposed project as amended by
111 mitigation measures would not have a significant adverse impact on the environment. Prior
112 to any project approvals, the City Council will need to adopt the Mitigated Negative
113 Declaration.

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115 **FISCAL IMPACT:**

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117 No fiscal impact will occur as a result of this action to adopt a Mitigated Negative
118 Declaration and approve the Use Permit and Design Review with the requested exception.

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120 **ATTACHMENTS:**

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122 1. Resolution Adopting Mitigated Negative Declaration
123 2. Resolution Excepting the Property from the Requirements to Connect to City Water
124 3. Resolution Approving Conditional Use Permit and Design Review
125 4. Planning Commission Staff Report dated August 27, 2008
126 5. Project Plans
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