

# City of Calistoga

## Staff Report

TO: Honorable Mayor and City Council  
 FROM: Erik V. Lundquist, Senior Planner  
 DATE: November 1, 2016  
 SUBJECT: Zoning Ordinance Amendment ZOA 2016-1  
 Planned Development PD 2002-2, Aubert Winery 333 Silverado Trail

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### APPROVAL FOR FORWARDING




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Dylan Feik, City Manager

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1 **ISSUE:** Consideration of a zoning ordinance text amendment deleting the requirement  
 2 for a primary agricultural use in order to expand a winery on the property located at 333  
 3 Silverado Trail, within the Planned Development District PD 2002-2.

4 **RECOMMENDATION:** Following a public hearing, introduce the ordinance and waive  
 5 its first reading.

6 **BACKGROUND:** The subject property was rezoned on November 6, 2002 from a  
 7 general Planned Development District to a unique Planned Development District, PD  
 8 2002-2. This District includes the subject property, which is developed with the Aubert  
 9 Winery, and the property located at 345 Silverado Trail, which is currently developed  
 10 with a single-family residence. The rezone was initiated by the property owners in order  
 11 to guide the development on the property and provide the development standards  
 12 necessary to build-out the property. Currently, PD 2002-2 allows a winery as a  
 13 conditionally-permitted use, provided that the use is subordinate to a primary  
 14 agricultural use on the parcel.

15 On September 12, 2016, the Planning and Building Department received an application  
 16 requesting an amendment to PD 2002-2 District to remove the agricultural  
 17 requirements, along with use permit and design review applications requesting an  
 18 increase in production and an approximately 10,080 square foot addition. The proposal  
 19 requests a slight increase in wine production from 10,000 to 15,000 cases per year.  
 20 Since floor space is limited, the additional square footage is primarily needed to  
 21 accommodate existing production and the anticipated increase.

22 This 2.00 acre property is located east of Mt. Washington at its base. The Brian Arden  
23 Winery is located north of the property on Silverado Trail and to the south is a single  
24 family residence located on a 7.37 acre property that extends around the west of Mt.  
25 Washington to Silverado Trail.

26 **DISCUSSION & PLANNING COMMISSION REVIEW:** The Planning Commission  
27 considered the matter at public hearings on July 27, 2016 and September 28, 2016 and  
28 adopted Resolution PC 2016-14 recommending that the Council amend the PD 2002-2  
29 Zoning District, as requested. The Planning Commission also adopted Resolution PC  
30 2016-15 approving a use permit and design review allowing the expansion of the  
31 winery. In the event the City Council does not support the zoning ordinance text  
32 amendment, the use permit would be null and void.

33 As previously noted, the PD 2002-2 District allows a winery as a conditionally-permitted  
34 use, provided that the use is subordinate to a primary agricultural use on the parcel. The  
35 applicant has requested a zoning ordinance text amendment to modify CMC Section  
36 17.24.130(B)(3) as shown below in track change.

37 *"In APN 011-050-031, wineries and bottling operations; ~~provided, that the~~*  
38 *~~use is subordinate to a primary agricultural use on the parcel.~~"*

39 Although the property is within the General Plan Silverado Trail Planned Development  
40 Overlay land use designation in the General Plan, which states that wineries and retail  
41 wine sales are allowed, "*provided that these uses are clearly subordinate to the primary*  
42 *agricultural use*", the Planning Commission on July 27, 2016 interpreted this policy to  
43 address the land use cumulative properties within the Overlay rather than parcel  
44 specific. For instance, a winery may be allowed provided that the allowance does not  
45 affect the overall predominance of agriculture in the area. The Aubert Winery, in  
46 addition to the other developments in the surrounding area, provides an adequate mix  
47 of uses, and agricultural uses are still the predominate use in the surrounding area. As  
48 such, the Planning Commission found that the modification was not inconsistent with  
49 the General Plan and recommended approval to the City Council.

50 **ENVIRONMENTAL REVIEW:** The proposed amendment is exempt from the California  
51 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines,  
52 as it can be seen that it would not result in any impacts on the physical environment.

53 **CONSISTENCY WITH COUNCIL GOALS AND OBJECTIVES:** Goal 1 of the City  
54 Council Goals, Objectives and Priority Projects for FY 2015/2016 states that the City  
55 shall "maintain and enhance the economic vitality of the community and the financial  
56 stability of the City." Amending the zoning district will create opportunity for economic  
57 development, which would work towards achieving this Goal.

58 **FISCAL IMPACT:** The City would receive the one-time payment of development impact  
59 fees in addition to an increase in manufacturing and property tax revenues as a result of  
60 the winery expansion.

**ATTACHMENTS**

1. Draft ordinance showing modifications in track changes
2. Resolution PC 2016-14
3. Excerpt from July 27, 2016 Planning Commission meeting minutes
4. Excerpt from September 28, 2016 Planning Commission meeting minutes
5. Zoning Map

ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING ARTICLE II, PD 2002-2 WITHIN CHAPTER 17.24 OF THE ZONING CODE (ZOA 2015-9)**

1           **WHEREAS**, the subject property was rezoned on November 6, 2002 from a  
2 general Planned Development District to a unique Planned Development District, PD  
3 2002-2; and

4           **WHEREAS**, PD 2002-2 allows a winery as a conditionally-permitted use,  
5 provided that the use is subordinate to a primary agricultural use on the parcel; and

6           **WHEREAS**, on June 7, 2016, Mark Aubert submitted an application requesting  
7 an amendment to the PD 2002-2 District to remove the requirement for a winery to be  
8 subordinate to a primary agricultural use on APN 011-050-031 within the PD 2002-2  
9 District; and

10           **WHEREAS**, the property is located within the Rural Residential land use  
11 designation whereby wineries may occur with a discretionary permit; and

12           **WHEREAS**, the property is within the Silverado Trail Planned Development  
13 Overlay, which states that wineries and retail wine sales are allowed, "*provided that*  
14 *these uses are clearly subordinate to the primary agricultural use*", which addresses the  
15 land use cumulative properties within the Overlay rather than parcel specific.

16           **WHEREAS**, the Aubert Winery, in addition to the other developments in the  
17 surrounding area, provides an adequate mix of uses and agricultural uses are still the  
18 predominate use in the surrounding area and, therefore, the amendment is not  
19 inconsistent with the General Plan; and

20           **WHEREAS**, the Planning Commission reviewed the proposed Code amendment  
21 at public hearings on July 27, 2016 and September 28, 2016 and after considering the  
22 public record, including the staff report and findings, adopted PC Resolution 2016-14  
23 forwarding a recommendation that the City Council approve the proposed Code  
24 amendment; and

25           **WHEREAS**, the proposed amendment is not subject to the California  
26 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines  
27 because it can be seen with certainty that there is no possibility that it may have a  
28 significant effect on the environment.

29           **WHEREAS**, the City Council of the City of Calistoga reviewed and considered  
30 this ordinance at a public hearing on November 1, 2016, noticed in accordance with  
31 state and local law, and which included the written and oral staff report, the Planning  
32 Commission's recommendation and comments received from the general public and  
33 interested agencies and parties.

34           **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**  
35 **ORDAIN AS FOLLOWS:**

37 **SECTION ONE**

38 Findings. The above recitals are incorporated herein as if set forth herein in full  
39 and each is relied upon independently by the City Council for its adoption of this  
40 ordinance.

41 **SECTION TWO**

42 Article II of CMC Chapter 17.24 Planned Development District is hereby  
43 amended as follows:

44 **Article II.**

45 **PD 2002-2, Maxfield**

46 **Planned Development District**

47 **17.24.120 Purpose**

48 This Planned Development District regulates development of a two-acre parcel of  
49 land located at 333 Silverado Trail approximately 2,000 feet southeast of the  
50 intersection of Silverado Trail and Rosedale Road (APN 011-050-031), and a 7.37 acre  
51 parcel of land located at 345 Silverado Trail approximately 1,500 feet southeast of the  
52 intersection of Silverado Trail and Rosedale Road (APN 011-050-032), as shown on the  
53 Zoning Map of the City of Calistoga, California dated November 18, 2003February 5,  
54 1991, as amended. Planned Development DistrictThe “PD 2002-2 Maxfield Planned  
55 Development District” is important to the community, as it contains two large parcels  
56 located at a key entrance to town in an area of outstanding natural beauty and  
57 surrounded by open space and Mt. Washington as a unique backdrop. Therefore,  
58 development of this Planned Development District shall be visually sensitive to the rural  
59 scale of the parcel and its surroundings. Unless otherwise provided below, all proposed  
60 uses in this Planned Development District shall require a use permit. Development shall  
61 be in conformance with the following regulations.

62 **17.24.130 Uses Allowed**

63 A. Uses allowed without a use permit:

- 64 1. Home occupations in accordance with Chapter 17.21;
- 65 2. In APN 011-050-031, light agricultural uses including, but not limited to,  
66 horticulture, floriculture, viticulture, apiaries, and related uses, not to include stockyards  
67 or commercial feeding of animals.
- 68 3. Uses determined by the Planning Commission to be similar in nature,  
69 as provided in the procedures in Chapter 17.02;

70 B. Uses allowed with a use permit:

- 71 1. One single-family dwelling;
- 72 2. One second dwelling unit in accordance with Chapter 17.37;
- 73 3. In APN 011-050-031, wineries and bottling operations, provided that  
74 the use is subordinate to a primary agricultural use on the parcel;.

75 4. Uses determined by the Planning Commission to be similar in nature  
76 as provided in the procedures in Chapter 17.02;

77 C. Allowed accessory uses: accessory buildings and uses that are clearly  
78 incidental and subordinate to the main use, such as a detached garage, storage shed,  
79 workshop, or similar building, provided that no accessory use shall be established or  
80 accessory building constructed prior to the construction of a main building, or on a lot  
81 separate from the main building. Minimum setbacks for accessory buildings and  
82 structures shall comply with the standards provided in Chapter 17.38, except that no  
83 accessory building or structure shall be located in the required front setback.

84 D. Prohibited uses: Uses not specified in subsections A through C of this  
85 section are prohibited.

86 **17.24.140 Height Limits**

87 The height of buildings and structures in APN 011-050-031 shall be no greater  
88 than thirty (30) feet, unless otherwise provided in Chapter 17.38. The height of buildings  
89 and structures in APN 011-050-032 shall be no greater than 28 feet, unless otherwise  
90 provided in Chapter 17.38.

91 **17.24.150 Development Regulations**

92 A. Minimum lot area and lot dimensions in APN 011-050-031 shall be:

- 93 1. Lot area: two (2)2 acres;  
94 2. Lot width: two hundred (200)200 feet average;  
95 3. Lot depth: four hundred (400)400 feet.

96 B. Minimum lot area in APN 011-050-032 shall be:

- 97 1. Lot area: 7.37 acres.

98 C. Minimum setbacks shall be as follows, unless otherwise provided in this  
99 section:

- 100 1. Front yard: Twenty (20)20 feet;  
101 2. Side yard: Ten (10)10 feet, except that structures exceeding fifteen  
102 (15)15 feet in height shall not have a side yard setback less than one-half the height of  
103 the building. In no case shall a side yard be less than ten (10) 10 feet or required to be  
104 more than twenty (20)20 feet;  
105 3. Rear yard: Twenty (20)20 feet.

106 D. Lot Coverage

107 Maximum coverage of a lot by all buildings or structures, including accessory  
108 structures shall be twenty-five (25)25 percent.

109 E. Parking Requirements

110 Unless otherwise provided in an approved use permit or planned development  
111 permit, on-site parking, loading and circulation shall comply with the standards  
112 contained in Chapter 17.36 of this Title. 17.24.160

113 **17.24.160 Design Review Requirements**

114 Design review shall be required for all buildings or structures requiring a use  
115 permit in this section. Allowed accessory buildings shall also require design review for  
116 structures or buildings 120 square feet or larger in size.

117 **SECTION THREE**

118 Environmental Review. This action has been reviewed in accordance with the  
119 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the  
120 “general rule” exemption. The City has determined that because it can be seen with  
121 certainty that there is no possibility that the proposed amendment will have an impact  
122 on the environment, this ordinance is therefore exempt from CEQA under the general  
123 rule.

124 **SECTION FOUR**

125 Severability. If any section, subsection, subdivision, paragraph, sentence,  
126 clause, or phrase in this ordinance or any part thereof is for any reason held to be  
127 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such  
128 decision shall not affect the validity or effectiveness of the remaining portions of this  
129 ordinance or any part thereof. The City Council hereby declares that it would have  
130 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase  
131 thereof irrespective of the fact that any one or more subsections, subdivisions,  
132 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or  
133 ineffective.

134 **SECTION FIVE**

135 Effective Date. This Ordinance shall take effect thirty (30) days after its passage  
136 and before the expiration of fifteen (15) days after its passage, shall be published in  
137 accordance with law, in a newspaper of general circulation published and circulated in  
138 the city of Calistoga.

139 THIS ORDINANCE was introduced with the first reading waived at the City of  
140 Calistoga City Council meeting of the **1st day of November, 2016**, and was passed  
141 and adopted at a regular meeting of the Calistoga City Council on \_\_\_\_\_, **2016**, by  
142 the following vote:

143 **AYES:**  
144 **NOES:**  
145 **ABSENT:**  
146 **ABSTAIN:**

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**Chris Canning, Mayor**

149 **ATTEST:**

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**Kathy Flamson, City Clerk**