



City of Calistoga
Planning Commission
Agenda Item Summary

DATE

November 9, 2016

ITEM

Draft Minutes of September 28, 2016 Meeting

RECOMMENDATION

Approve minutes with any necessary changes

MINUTES

CALISTOGA PLANNING COMMISSION

September 28, 2016

A. ROLL CALL

1 Commissioners present: Chair Paul Coates, Alissa McNair, Scott Cooper, Walter
2 Abernathy. Absent: Vice Chair Tim Wilkes (excused). Staff present: Planning and
3 Building Director Lynn Goldberg, Senior Planner Erik Lundquist

4 B. PLEDGE OF ALLEGIANCE

5 C. PUBLIC COMMENTS

6 None.

7 D. ADOPTION OF MEETING AGENDA

8 The meeting agenda of September 28, 2016 was accepted as presented.

9 E. COMMUNICATIONS/CORRESPONDENCE

10 None.

11 F. CONSENT CALENDAR

12 1. Planning Commission Minutes

13 The minutes for the August 24, 2016 meeting were unanimously adopted as
14 presented.

15 G. PUBLIC HEARINGS

16 1. **Aubert Winery Expansion ZOA 2016-1, UP 2016-3 & Design Review**
17 **DR 2016-11:** Consideration of 1) a zoning ordinance text amendment deleting
18 the requirement for a primary agricultural use on the property in order to operate
19 a winery, and 2) use permit and design review applications allowing an increase
20 in production up to 15,000 cases annually and an addition of approximately
21 10,080 square feet for new tank rooms, office space and covered crush pad at
22 333 Silverado Trail

23 Senior Planner Lundquist presented the staff report for the application. The PD
24 zoning district in question, which requires a primary agricultural use with the
25 winery, was based on the 1990 General Plan and is not consistent with the 2003
26 General Plan update. Therefore, a Zoning Ordinance text amendment is
27 requested deleting the agriculture requirement. The Commission expressed
28 support for the amendment at its July 27, 2016 meeting. He reviewed the
29 proposed improvements to the property, which had been preliminarily reviewed
30 by the Commission at the July 27 meeting, and proposed conditions of approval.
31 Staff recommends approval of all the applications.

32 In response to a question from **Commissioner McNair**, Mr. Lundquist confirmed
33 that a landscaping plan will be required for the project and reviewed by staff, and
34 noted the condition of approval requiring any tanks to be screened.

35 **Chair Coates** opened the public hearing.

36 **Donna Oldford**, representing the applicants, reiterated the need for the General
37 Plan and Zoning Ordinance to be in conformance; the proposed amendment
38 happened to coincide with the winery's need to expand. If the preferred
39 wastewater treatment plan is implemented, the tanks will not be needed.

40 **Commissioner Cooper** expressed support for the project and thanked the
41 applicant for working through the various issues with staff.

42 **Chair Coates** asked why the vineyard had been removed from the property, in
43 violation of a condition of approval for the winery's original use permit.

44 **Mark Aubert**, applicant, explained that the previous winery owner had planted
45 petite syrah, which Aubert Winery could not use because they only produce
46 chardonnay and pinot noir. Furthermore, the vines were afflicted with red leafroll
47 virus and needed to be removed. They considered planting olive trees in their
48 stead, but determined that the area was needed to accommodate the proposed
49 winery expansion.

50 **Chair Coates** noted that the use permit violation caused by removal of the
51 vineyard could have resulted in the winery's use permit being revoked. He
52 doesn't have a problem with the project, but he is concerned that the Planning
53 Commission's actions, which include conditions of approval, are routinely being
54 ignored. The Commission's duty is to act in the interests of the community, which
55 doesn't happen when rules are violated. The requested applications take care of
56 the violation while rewarding the applicants by approving improvements to the
57 property. In order to deny the applications, certain findings would have to be
58 made and he doesn't really have any issues with the project. However, he is very
59 concerned about violations of use permit conditions throughout the community,
60 which make the Commission's job very difficult, especially when applicants who
61 are in violation make further requests of the Commission. The City operates on
62 the honor system, since staff cannot monitor every use permit.

63 **Chair Coates** closed the public hearing.

64 **Commissioner Cooper** thanked Chair Coates for his remarks regarding the
65 need for compliance with conditions of approval, which is needed to validate the
66 Commission's work.

67 A motion by **Commissioner McNair** and seconded by **Commissioner**
68 **Abernathy** to adopt a resolution recommending to the City Council a zoning
69 ordinance text amendment deleting the requirement for a primary agricultural use
70 in order to operate a winery within the PD 2002-2 Planned Development District
71 was approved unanimously.

72 A motion by **Commissioner Abernathy** and seconded by **Commissioner**
73 **Cooper** approving Use Permit UP 2016-3 and Design Review DR 2016-11
74 allowing a winery expansion at 333 Silverado Trail was approved unanimously.

75 **2. August Briggs Outdoor Seating and Live Entertainment UP 2016-6:**
76 Consideration of a use permit allowing outdoor seating and live entertainment
77 associated with an existing wine tasting establishment at 1307 Lincoln Avenue,
78 Suite B

79 **Commissioner Abernathy** left the dais due to a potential economic conflict of
80 interest.

81 **Mr. Lundquist** summarized the written staff report for the application and
82 recommended its approval. He confirmed the maximum permitted occupancy of
83 the business, including the outdoor area, and explained that staff would review
84 the outdoor lighting plan to ensure it's consistent with the City's requirements for
85 shielding.

86 **Chair Coates** opened the public hearing.

87 **Matthew Gacso** and **Colette Milliman**, applicants, explained their desire to
88 make use of the outdoor area and their intent to limit special events to 50 people.

89 **Chair Coates** closed the public hearing.

90 **Commissioner Cooper** supports the project because it would bring more foot
91 traffic to the downtown and provide an enjoyable setting for the business.

92 **Commissioner McNair** is happy to see the wall along the river completed and
93 thinks the proposal makes great use of the space.

94 A motion by **Commissioner Cooper** and seconded by **Chair Coates** to adopt a
95 resolution approving a use permit allowing outdoor seating and live entertainment
96 at 1307 Lincoln Avenue, Suite B was approved unanimously.

97 The applicants affirmed that they accepted all of the adopted conditions of
98 approval for the use permit.

99 **Commissioner Abernathy** returned to the dais.

100 **H. MATTERS INITIATED BY COMMISSIONERS**

101 None.

102 **I. DIRECTOR REPORT**

103 Planning and Building Director Goldberg reported that there are no items ready to be
104 agendized for the October 12th meeting and the Commission agreed to cancel the
105 meeting.

106 **J. ADJOURNMENT**

107 The meeting was adjourned at 6:05 p.m.

Lynn Goldberg, Secretary