

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2022-XX**

**APPROVING USE PERMITS UP 2022-02 AND UP 2022-3 ALLOWING
MODIFICATION TO PREVIOUSLY APPROVED CONDITIONAL USE
PERMITS TO AUTHORIZE WINE PRODUCTION AND TASTING, OLIVE
OIL MANUFACTURING AND TASTING, AND RELATED USES ON TWO
ADJACENT PARCELS AT 865 AND 963-965 SILVERADO TRAIL**

WHEREAS, on January 11, 2022, the applicant submitted a use permit application for wine production and tasting, olive oil manufacturing and tasting, and related uses within existing industrial buildings on two adjacent parcels: a 0.97-acre parcel (APN 011-050-043) at 963 and 965 Silverado Trail within the Community Commercial Zoning District and a 9.5-acre portion of a 14.31-acre parcel at 865 Silverado Trail (APN 011-050-024) within the Light Industrial Zoning District; and

WHEREAS, the Planning Commission reviewed and considered this application at its regular meeting on July 13, 2022. Prior to taking action on the application, the Commission received written and oral reports by staff and received public testimony; and

WHEREAS, the Planning Commission has determined that this action is not subject to the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines as the proposed uses entail negligible alterations consistent with the City's intent and past uses including the former operations associated with the Calistoga Beverage Company; and

WHEREAS, the Planning Commission pursuant to CMC Chapters 17.22 and 17.26 has determined that the uses are allowed with a use permit in the Community Commercial and Light Industrial Zoning Districts based upon the following findings pursuant to CMC 17.03.090 B. 1-4:

1. That the use is in keeping with the stated intent and purpose of the zoning district;
2. The subject uses and operations are compatible with the uses permitted in the zone within which it is proposed to be located;
3. The uses are similar to one or more uses permitted in the zone within which it is proposed to be located, such as mini storage and wineries; and
4. The uses will not cause substantial injury to the health, safety, or welfare of the occupants or their property in the zone in which it is proposed to be located.

WHEREAS, the Planning Commission pursuant to CMC Chapter 17.40.030.D has made the following use permit findings for the project:

1. Is in accord with the General Plan and any applicable planned development.

Finding: The proposed uses are consistent with the goals and policies of the Calistoga General Plan in that it represents allowable uses in an existing industrial space within the Entry Corridor 2: Downvalley Silverado Trail overlay, which recognizes the existing light industrial facility. 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. A bonded wine storage facility in this location provides wineries located within the Calistoga area a safe local facility to store their bonded wine barrels.

2. Is in accord with all applicable provisions of this title.

Finding: The CC: Community Commercial and the I: Light Industrial Zoning Districts conditionally allow the noted uses, specifically wineries, retail and warehousing with a use permit. The use is consistent with all applicable development standards and would comply with the parking requirements associated with the use as the property has more parking than required for the use. The project is in compliance with all other development standards for the Zoning Districts.

3. Will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.

Finding: The proposed use is similar to those already found within the Zoning Districts. The project would generate less traffic, water use, and wastewater than previously permitted uses, have sufficient parking, and would operate during normal business hours with all operations occurring inside the buildings. As such, no significant new noise or traffic impacts are expected from the project.

4. Is consistent with and enhances Calistoga's history of independently owned businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry and promote its economy.

Finding: The proposed uses would be consistent with Calistoga's sense of independent and unique single-location businesses. The owners and representatives are located in Calistoga and are establishing Calistoga Vintner's Service and Von Strasser facility will provide services for the local wine industry. The project would provide an opportunity for wineries within the Calistoga area affected by recent wildfires and insurance increases to have a safe local facility to store their bonded wine barrels. The project as proposed would provide opportunities for local wineries, thereby enhancing the local wine industry and the local economy.

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 following conditions of approval:

General:

1. This permit authorizes the establishment and operation of wine production and tasting, olive oil manufacturing and tasting, and related uses on two adjacent parcels, consistent with all other City ordinances, rules, regulations, and policies. The use shall also be consistent with the project description and supporting plans received in January 2022 by the Planning and Building Department, except as noted in the permit conditions.
2. Development and use of the properties 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 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.
3. The normal business operations within the structures shall be limited from 5am to 6pm seven (7) 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.
4. Prior to occupancy, a plans shall be submitted to the City subject to the review and approval of the Planning and Building and Fire Departments. Fermentation shall be limited to 80,000 barrels in two buildings at 865 Silverado Trail and shall comply with the California Fire Code requirements. Production capacity at 963-965 Silverado Trail shall be no more than 500 tons (approximately 80,000 gallons)
5. The term of approval of this permit shall expire one year from the permit's effective date, unless the use has commenced or an extension and/or building permit has been issued for the project prior to the expiration date.
6. All work performed in conjunction with this approval shall be by individuals who possess a valid business license from the City of Calistoga.
7. 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.
8. Prior to issuance of any 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.
9. This use permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, or local agency, special district or department which may retain regulatory or advisory function as specified by statute or

ordinance. The applicant shall obtain permits as may be required from each agency.

10. The property shall not exceed the established annual baseline for water and wastewater use, which is 70 acre-feet of water and 95 acre-feet of wastewater.
11. No signage is permitted as a result of this approval. All new signage shall separately be subject to the approval of the Planning and Building Department.
12. Prior to occupancy, the property shall have illuminated address numbers posted that are clearly visible to the street day and night.

Public Works – 865 Silverado Trail:

General:

13. Developer shall design and construct all improvements and facilities shown on any site plan, or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, the Calistoga Municipal Code (CMC), and the "Standard Specifications" of the Public Works Department. Approval of a site plan depicting improvements that do not conform to the CMC or City standards does not constitute approval of exception to the CMC or City standards unless explicitly stated herein or in another City resolution.
14. The developer shall be responsible for all City plan check and inspection costs. The developer shall deposit funds into a City Developer Deposit Account upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check costs. Prior to approval of the improvement plans the developer shall pay any outstanding balance for plan checking services and shall deposit an additional amount based upon the City's estimate of inspection costs.

Improvement Plan Conditions:

15. The developer shall prepare and submit improvement plans for the construction of all necessary and required improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters and sidewalks, as required. The improvement plans shall include elevations, striping plans, profiles and pavement sections shall as deemed necessary by the City Engineer. All design and construction shall conform to the City of Santa Rosa Standard Specifications for Public Improvements, or other adopted Napa County or City of Calistoga standards as applicable.
16. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Building Permits

will not be issued prior to the approval of the improvement plans unless otherwise approved by the Public Works and Planning and Building Departments.

Water and Sanitary Sewer Improvements:

17. Provide evidence to the City that the existing sewer lateral is structurally sound, adequate in capacity and correctly sloped. This can be done by videoing the sewer lateral and providing the City with a copy of the video. This videoing should be performed with a Public Works employee present.
18. The applicant may select one of the following to discharge processed wastewater:
 - a. The processed wastewater may be stored onsite and off-hauled to an appropriate disposal site. Prior to the Building Permit issuance, Applicant shall provide information on available onsite storage, how the trucked wastewater will be managed and method/ability to document proposed disposal of "trucked" wastewater.
 - b. The process wastewater may be discharge to the City's sewer system. If the Applicant choose to discharge to the City's sewer system, an on-site pre-treatment system shall be installed to lower BOD, TSS and other constituents below the levels set out in "Recommended Local Limits for Wastewater Discharged to Calistoga Sewer System (March 2022) prior to discharging into the City's sewer system. Pre-treatment of any winery wastewater discharged into the City sewer system will require continuous (24/7/365) sampling/monitoring/testing and reporting along with flow measurements to confirm no "high BOD" wastewater is discharged into the City collection system. Other constituents such as TDS, ammonia, sulfur, and PH will be subject to similar regulations. Sufficient onsite storage shall be provided to store minimum 5 days of peak daily flow to avoid discharge of treated process wastewater that is outside required limits. Applicant will be required to pay additional monthly surcharges for strength factor and lab testing based of the flow and strength of effluent constituents. The project shall comply with Calistoga Municipal Codes, Chapter 13.08, Article VII, "Use of Public Sewers for Domestic, Commercial and Industrial Waste Discharges."
19. Phase I of the project is to process up to 2,000 tons of wine grapes, wine tasting salons for up to 250 guests per day, an increase in the number of employees and process up to 90 tons of olives per year. The applicant has provided evidence that the downstream collection system has sufficient capacity to accept pre-treated discharge associated with Phase I operation. Discharge to the City system is subject to condition C2(a) of these conditions.

20. Phase II of the project is to increase the production to 7,000 tons of wine grape. Phase II may also include treating and discharging process waste associated with processing additional 500 tons of wine grapes at the winery located at 965 Silverado Trail.

The Applicant shall conduct a flow monitoring study to demonstrate sufficient capacity in the downstream sewer collection system. The monitoring study shall measure flows in the system during late winter and early spring at a minimum of three (3) locations to determine if the existing collection system has capacity to accept Phase II Flows without exceeding 85% capacity of existing collection system. This study shall be completed prior to increasing flows above Phase I levels and no later than 2 years after the Use Permit approval. Flow Monitoring Plan shall be approved by the Public Works Department prior to implementation.

If the collection system has inadequate capacity, the Applicant shall mitigate the proposed discharge by completing one of the following 3 options:

- a. Install 8" sewer main from the manhole where the private lateral from Calistoga Vintner Services connects in Brannan Street west along Brannan to the new 18" sewer main in Lincoln Avenue. The 18" sewer main in Lincoln Avenue is in the design approval phase and it is anticipated to be completed in 2023.
- b. Install 8" sewer main in Brannon Street from manhole where private lateral from Calistoga Vintner Services connects to sewer main in Brannan Street to Silverado Trail.
- c. Upsize existing sewer mains down streams of the manhole where the private lateral from Calistoga Vintner Services connects to the sewer main.

All Sewer improvements shall be designed per applicable City of Santa Rosa Sewer Standards and shall be approved and accepted by the City Engineer prior to Phase II operation.

21. Domestic wastewater may be discharged to the City Sewer collection system.
22. All private storm drains, water, fire line services and appurtenances, must be located within the private property and clearly identified as private on the design drawings.
23. This property may be subject to reimbursement of proportional sewer and drainage off-site improvement costs to Solage local benefit district.
24. Encroachment permit is required from City for any connection to City utilities.

25. A backflow prevention device will be required on the applicant's side of the water meter. Applicant will be responsible for annual testing and necessary repairs of device.
26. If fire sprinklers are required, possible upsizing of the water lateral and meter may be required along with the fire sprinkler hydraulic analysis. The new combination water service connection shall follow City of Santa Rosa Standard 870 and include a T connection to the water main.

Street Improvements:

27. Install curb, gutter and sidewalk from along Silverado Trail per City of Santa Rosa Standards to connect existing pathway at 963 Silverado Trail to the existing sidewalk at Silverado Trail and Brannan Street intersection.
28. Contingent upon availability of funds, construction and permitting costs for the portion of sidewalk outside of project's frontage will be subject to reimbursement by the City. The cost of design will not be reimbursable.
29. Prior to issuance of Building Permit the Applicant and the City shall sign a reimbursement agreement for construction and permitting costs of portion of sidewalk outside of project's frontage. If reimbursement funds are not available, project's sidewalk obligation will be limited to the project frontage.
30. The first submittal of Improvement Plans shall include entire section of sidewalk as described in section D(1).
31. Encroachment permit is required from County of Napa for any work within the Silverado Trail Public Right of Way.

Dedications:

32. All necessary rights of way and easements shall be dedicated by grant deed. The developer shall prepare all necessary legal descriptions and deeds.

Project Final and/or Release of Securities Conditions:

33. All improvements shown on the Improvement Plans shall be completed and accepted by the City, as appropriate. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City Engineer.
34. A complete set of As-Built or Record improvement plans showing all constructive changes from the original plans shall be submitted to the Public Works Department prior to acceptance of the public improvements, as appropriate.
35. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her engineer certifying that they observed the work during construction and that all private site improvements have been completed in

accordance with the improvement plans approved by the City Engineer, as appropriate.

36. Prior to the issuance of final certificate of occupancy, the Applicant shall conduct the following analysis to confirm available capacity in existing collection system (as depicted in utilities illustration, dated 6/23/2022 conveyed to Applicant 6/24/2022):
 - a. Calculate the existing theoretical peak flow in GPM in Pipe A through pipe F. is the sewershed and geometric data (pipe length, size, slope...). Use City of Santa Rosa standards to calculate peak flows for houses and hotel rooms. Indicate the reference if any other standard is used.
 - b. Assume 5% capacity of 6" pipes for I&I.
 - c. Calculate the total peak wastewater flow for phase I. The peak flow should include process wastewater for 2,000-ton crush plus domestic flow and olive oil wastewater.
 - d. Summarize the finding to demonstrate pipes A thru F will be below 85% full.

Public Works – 865 Silverado Trail:

General:

37. Developer shall design and construct all improvements and facilities shown on any site plan, or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, the Calistoga Municipal Code (CMC), and the "Standard Specifications" of the Public Works Department. Approval of a site plan depicting improvements that do not conform to the CMC or City standards does not constitute approval of exception to the CMC or City standards unless explicitly stated herein or in another City resolution.
38. The developer shall be responsible for all City plan check and inspection costs. The developer shall deposit funds into a City Developer Deposit Account upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check costs. Prior to approval of the improvement plans the developer shall pay any outstanding balance for plan checking services and shall deposit an additional amount based upon the City's estimate of inspection costs.

Sanitary Sewer Improvements:

39. The applicant may select one of the following to discharge processed wastewater related to processing of 500 tons wine grapes per year:

- a. The processed wastewater may be stored onsite and off-hauled to an appropriate disposal site. Applicant shall provide information on available onsite storage, how the trucked wastewater will be managed and method/ability to document proposed disposal of "trucked" wastewater.
 - b. Contingent upon completion of mitigations associated with Phase II production at 865 Silverado Trail, the process wastewater may be pumped to the proposed pre-treatment system at 865 Silverado Trail and be discharged to the City's sewer system. The proposed pre-treatment system at 865 Silverado Trail and Phase II mitigations shall be adequately designed to accept additional wastewater from this project.
 - c. Contingent upon completion of the proposed pre-treatment system at 865 Silverado Trail, the process wastewater may be pumped to the proposed pre-treatment system at 865 Silverado Trail and be dispersed on the undeveloped area of 865 Silverado Trail under the "State Water Resources Control Board Order for General Waste Discharge Requirements for Winery Process Water" and the Napa County Planning, Building and Environmental Services Permits.
40. Prior to the discharging to the City's sewer, provide a water and sewer allocation study and Purchase additional allocation(s) of water and/or wastewater as necessary. The current wastewater baseline allocation is zero.

ADOPTED on July 13, 2022, by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Scott Cooper, Chair

ATTEST: _____
Jeff Mitchem, Secretary