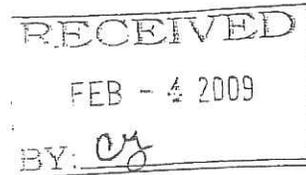


City of Calistoga
Planning Commission
1232 Washington St.
Calistoga, CA 945615

Paul G. Smith
P.O. Box 689
1255 Lincoln Ave.
Calistoga, CA 94515

February 3, 2009



Subject: PA 2008-04, CDR 2008-04
Ref: Calistoga Municipal Code 13.08.395 "Geothermal Mineralized Water Discharges"

"A. The City is required to utilize land irrigation as a method of wastewater effluent disposal during the summer dry season when there is insufficient flow for dilution in the Napa River, and it is therefore necessary to limit the concentration of boron, total dissolved solids, chlorides and sulfates that could have a toxic effect upon plant growth or degrade groundwater that could otherwise be used as a source of irrigation water.

B. Regulations pertaining to restriction of boron content as set forth in CMC 13.08.345 and other sections of this chapter shall be strictly enforced.

C. No person or entity shall by any connection, use, maintenance, construction, alteration or repair of sanitary sewer facilities, discharge or cause to be introduced into the sanitary sewer system any substance or material which has an element of chloride or sulfate exceeding 250 milligrams per liter, or of total dissolved solids that would exceed 500 milligrams per liter. All such discharges are prohibited. (Ord. 435 § 6, 1988; Ord. 322 § 1, 1976).

Honorable Commissioners

As a winery owner I am generally in favor of most quality winery projects. As such I am not completely against the Bounsall proposal. I am however against this proposal if it proposes to increase the wastewater flow into the city municipal wastewater system. Though not the responsibility of the developer, the city continues to neglect its own ordinances with respect to the discharge of boron-toxic waters into the wastewater flow.

Currently, treated wastewater must be diluted by 600% in order to mitigate the toxic effects of boron in the present wastewater. Until and unless the city adopts a responsible policy with respect to enforcement of its own ordinances against direct dumping of boron-toxic geothermal water, it would be irresponsible to approve any project with the potential to increase the AMOUNT of municipal wastewater. Alternately, such projects should only be approved if all wastewater generated by the project is to be treated and disposed of on the project site.

As the state becomes increasingly parched and the Napa River is looking more and more like a Mojave arroyo, the images of "green" and "healthy" which Calistoga strives to project are in harsh conflict with its secret though absolute refusal to enforce its own boron contamination laws, its subsequent chronic and intentional environmental abuse, its corresponding grossly irresponsible resource management and of course, its disgustingly obvious preferential politics. These actions collectively and irrefutably reveal the true character of Calistoga's previous administrations at best as benevolent in denial or at worst as blatantly hypocritical.

No project with the potential to increase municipal wastewater and thus exacerbate the disposal of same should be approved until and unless the City of Calistoga acknowledges and enforces its own laws against boron-toxicity in the municipal wastewater.

Respectfully,

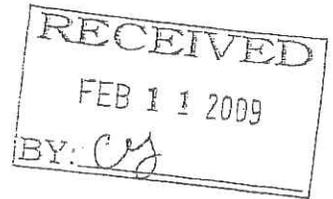
Paul G. Smith

City of Calistoga
Planning Commission
1232 Washington St.
Calistoga, CA 945615

Paul G. Smith
P.O. Box 689
1255 Lincoln Ave.
Calistoga, CA 94515

February 10, 2009

Subject: PA 2008-04, CDR 2008-04



Honorable Commissioners

Further to my letter of Feb 3 assuming the city acknowledges its responsibility to the environment (though conflictingly allowing approximately 40+ geothermal water users to spew boron-toxins into the environment 24/7) ultimately allowing this project with the logical condition that it dispose of all wastewater onsite, consideration must be given to the fruit to be crushed and the wines to be produced and sold. Specifically, I urge the Commission to require that these wineries located within the city limits of Calistoga (thus unencumbered by the strict grape sourcing requirements of all unincorporated Napa County wineries) be required to conform to the same studied, acceptable and fair grape sourcing requirements as wineries located in unincorporated areas.

Many Napa Valley and certainly Calistoga growers are counting on you to protect and preserve the quality reputation that has taken generations to build. The appellation laws are tricky and full of loopholes allowing latitude in labeling which can be deceptive. There is already one so-called "Calistoga" branded producer attempting to foist its invented and exclusive interpretation of "Calistoga" branded wines on unsuspecting customers (which in fact may be from Bakersfield-grown grapes). Calistoga does not deserve to be the hole in the dike allowing an ocean of swill to pour in with the clear potential if not actual intent of deceiving customers and ultimately destroying the reputation of Calistoga's wines as well as the wines of Napa Valley.

I urge you to condition the project such that both wineries must adhere to the same grape sourcing requirements as producers in unincorporated Napa County.

Respectfully,

Paul G. Smith



J. Kapolchok
+ Associates

Land Use Planning
Urban Design

May 9, 2009

Charlene Gallina, Director
Planning and Building Divisions
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

RE: Conceptual Design Review – Bounsall & Wright Winery and Event Center

Dear Charlene,

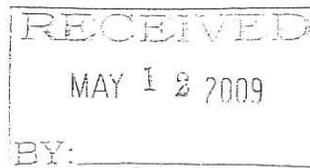
Thank you for your letter of April 25, 2009 wherein you have summarized the project issues and next steps in our entitlement processing as well as comments received to date from various departments and referral agencies.

By this letter and through the attached, revised project description, I would like to respond to the concerns raised in the Summary of Project Issues section of your letter. I ask that you consider our position on these issues and forward this information to the City Council for their consideration on May 19th.

As a member of and speaking for the Bounsall consultant team as well as our clients, the Bounsall family, I'd like to express our appreciation for the time you have spent, the respect you have shown and your willingness to work with us. Although we do not share the same view of the consistency of our project with adopted city policy, I believe the recommendation of an ad hoc Council Subcommittee, will establish a process that will ultimately result in a project that will reflect the vision of the Bounsall family, remain economically feasible, embrace the character of Calistoga and be seen as a community asset.

Summary of Project Issues

Your summary indicates that both staff and the Planning Commission support the project in concept and deem the buildings to be superior in architectural design and quality of materials. Significant concern however, has been raised as regards project intensity. Project intensity is seen as an issue both in terms of project scale, massing



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and overall size as well as the number of uses and the way the project will operate as a whole.

Intensity: General

The revised Project Description (attached) situates the project in regards existing site conditions, zoning and general plan and, intensity of use, both design and function. In the project description we find that the property:

- Consists of 31 perfected certificate parcels (separate lots) not a ± 7.0 acre underdeveloped site
- Is designated and zoned industrial not rural residential or agriculture, and
- The industrial designation establishes land uses and the over-lay designations (PD and Entry Corridor) establish goals and provide guidance for design and development

Therefore, the project must be assessed from an existing conditions/adopted policy context as well as from a design and operational standpoint.

Intensity: Scale – Massing – Overall Size

The project site is ± 7.0 acres in size, relatively flat and has a site elevation that is 7 to 8 ft. below the existing grade of Foothill Boulevard (State Highway 29). The site is within the city limits, lies fairly close to the downtown core, is bounded by rural residentially designated and developed property to the east, agriculturally developed and residentially designated property to the west, the Napa River to the north and a major residential development or potential resort to the south.

Although architecturally attractive, you indicate that the project's scale, massing and overall size is problematic. The question then becomes, how is intensity of form analyzed? This question is often addressed through an analysis of setbacks, site coverage, building heights, building mass, and percentage of open space.

Analysis

Because the property is ± 7.0 acres, which is much larger than your typical urban parcel, it's difficult to visually grasp the intensity of the project just by reviewing the site plan. Facts such as percentage of site coverage, amount of open space, and building setbacks become critical tools in translating the actual intensity of the project.

As designed, the project proposes $\pm 17.75\%$ building coverage and $\pm 40\%$ open space. This is 44.375% less development than allowed by zoning. Cutting building coverage nearly in half significantly reduces the intensity of the project and responds to the issue of appropriateness of scale and character.

The Entry Corridor policy is concerned with both the concept of "gateway" and the perception of the project as one travels along State Highway 29 (Foothill Blvd.). A

measurement of a project's "presence" or entry statement can be gained through a review of the project's architecture, setbacks, visibility from the roadway and amount of non-built area (buildings and pavement).

The form, design, architectural style and quality of the proposed buildings received high marks from staff and the Planning Commission. Open areas separate the various buildings. The proposed setbacks are generous. The winery building facing Highway 29 is setback approximately 77ft. from the property line and ±117 ft. from existing edge of pavement. The deli/wine tasting building, which is set at an angle in order to maintain views to the hills in the distance, is approximately 65 ft. from the property line and 94 ft. from the edge of pavement. The closest side yard setbacks are 42 ft. on the east and 40 ft. on the west. The closest rear yard setback is approximately 80 ft. from the rear property line.

Although the buildings are two-story, the entire profile of the project is 7 to 8 ft. lower than the elevation of the roadway. Existing vegetation and proposed landscaping will permit only filtered views of the project. The perspective drawings and site sections, included in the design package illustrate this point.

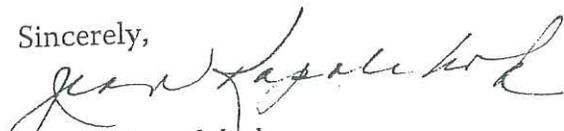
Intensity: Operations

The project description lays out a number of operational assumptions and tests the functionality of the use through the use of traffic generating numbers. The results: even under a worse case scenario, that is, peak visitor day coupled with a maximum attendance special event, during harvest, demonstrates that the facility is fully functional.

To assure that the proposed project will operate properly, the project proponents will develop Operation Management Measures. These measures may include limiting the size, time and days of special events throughout the year (particularly during harvest), use of shuttle services for certain size events during certain times of the year, on-site parking attendant, on-site traffic manager during harvest or special events, etc. These measures are likely to take the form of recorded CC&Rs. Operation Management Measures will be developed at the Use Permit phase.

Thank you for considering this material and forwarding it on to the City Council. We look forward to our hearing on May 19th.

Sincerely,



Jean A. Kapolchok

Project Description
Bounsall & Wright Winery and Events Center
(5/9/09)

Overview

The Bounsall & Wright Winery and Events Center is a planned commercial/industrial development located at 414 Foothill Boulevard in Calistoga, California. As discussed below, the project represents a balance amongst the site's: parcelization, uses allowed under the industrial land use designation and, the applicable General Plan policies.

The project acts as a bridge between the agricultural uses of the neighboring, unincorporated areas of the county and the more concentrated visitor serving uses of central downtown. This linkage is accomplished through the inclusion of the wine processing/industrial use of the site and the careful selection of wine related and special event commercial uses. These uses are meant to augment not compete, with the visitor serving, retail and lodging uses of downtown Calistoga.

The site is laid out in somewhat of a quad configuration with the buildings and the on-site circulation respecting the boundaries and street pattern of the underlying subdivision. Six buildings having a total square footage of $\pm 79,000$ sq. ft are proposed for the ± 7.0 acres site. This results in building site coverage of $\pm 17.75\%$.

The proposed uses consist of: two wineries, deli/wine tasting with in-door, deck and out-door seating, farm/fruit stand with related retail, replacement residential and storage area, in-door reception, out-door special events area with portable canopy.

The site is accessed from an existing roadway cut at the southwest corner of the property. The site circulates in a grid pattern with a central rotary. Parking is spread around the perimeter of the uses rather than concentrated in a large parking lot. An EVA at the southeast corner of the site and a bicycle/pedestrian path to the Napa River are also proposed.

Existing Site Conditions

Visually, the site appears as a ± 7.0 acre, unattended walnut orchard bounded by Foothill Boulevard on the south and Napa River to the north. Rural residential development exists to the east and rural and agricultural development exists to the west.

However, in fact, the site consists of 31 separate, previously perfected certificate parcels (separate lots). Although not the family's intention, each of these parcels could be separately conveyed.

The site is currently improved with two residences, two sheds, a shop building and a singlewide trailer. All of these structures will be removed or demolished concurrent with the development.

Although within the city limits of Calistoga, there is no public sewer or water to the site. Currently, waste disposal is by individual septic systems and water is supplied by an on-site well.

Topographically, the site slopes gently from the southwest to the northeast towards the Napa River. A portion of the site is within the 100-year floodway/flood plain. The location of this area, as determined under FEMA, is depicted on the site plan.

Zoning and General Plan

The site is designated Light Industrial in the General Plan and zoned "I" Light Industrial. Two General Plan overlay designations, Planned Development and Entry Corridor, also apply to the property.

General Plan Overlay Designation Policy D addresses the issue of hierarchy amongst land use designations and overlay designations. Policy D reads:

"The General Plan includes three overlay designations that provide special design and development guidance for key sites in Calistoga. Except where specified differently below, allowable uses for overlay designations are the same as those of the underlying designation." (Emphasis added).

As can be seen from the above policy, it is the land use designation that defines the allowable uses and the overlay designations that provide design and development guidance.

The Planned Development Overlay permits the use of innovative design standards to achieve superior design. The concern of the Entry Corridor Overlay is community identity.

The General Plan policy specific to the Bounsall Property is under the section entitled Planned Development Goals. Therefore, the policy sets forth a number of goals to be used in guiding the design and development of the property. The goals expressed are:

- The property is a "gateway" property. "As such, its appearance and land use can play a key role in maintaining Calistoga's rural, small town character."
- Development shall convey the agricultural qualities of the upper Napa Valley.
- Winery and/or inn are appropriate uses scaled proportionately to the amount of open space.

Upon review of the above goals, the guiding design and development principles are gateway, agricultural heritage and appropriate scale.

Project Specifics

• **Use and Design Consistency**

The project, as designed, celebrates the agricultural heritage of the area through the inclusion of two wineries, wine tasting, a farm-stand/fruit stand and areas to show case local products. The site design and project architecture respect and enhance the gateway to the city. The site plan depresses the parking and screens it from view through landscaping. Views to the hills are maintained and framed through careful building placement. The architecture of the buildings is endemic to the city of Calistoga and the buildings themselves are to be constructed of high quality building materials.

• **Intensity - Coverage**

As directed by the General Plan, the base from which to judge the appropriateness of scale is measured from that which is allowed by the industrial land use designation and zoning district. If the project was developed under the industrial zoning regulations, 40% of the site could be covered by structures. Only 17.75% - 18% of the site is covered by structures under the proposed plan. The industrial designations do not require project open space. The Bounsall Winery and Event Center maintains nearly 40% of the site in open space.

• **Intensity – Proposed Use**

As depicted on the site plan, the following uses are proposed for the site.

Table 1: Proposed Uses

Building	Approximate Size	Intended Use	Estimated # of Employees
Winery #1	19,100 sq. ft.	10,000 – 40,000 cases	4
Tank Building	3,600 sq. ft.	Equipment and Barrel Storage	
Winery #2	17,400 sq. ft.	10,000 – 40,000 cases	3
Deli/Wine Tasting and Sales	18,500 sq. ft.	Wine tasting, sales, delicatessen, indoor, deck, outdoor seating	6
Retail Building #2	7,800 sq. ft.	Specialty fruit, farm stand, gourmet	6

		foods and related retail	
Replacement Residential	7,250 sq. ft.	Two residential units, changing room and equipment storage	4
Reception	4,000 sq. ft.	Events hall	1

• **Intensity – Use – Assumptions**

In order to assess the intensity of the use, certain operating assumptions must be made. The following are proposed ¹:

Wineries: 10,000 to 40,000 cases per winery with a combined total of 50,000 cases.

Special Events: 100 events per year with a maximum of 150 persons per event.

Visitors: All uses other than special events – estimated peak of 500 persons per day.

• **Intensity – Use- Trip Generation**

A measurement of project intensity can be the amount of traffic that is likely to be generated by the proposed uses. Although a detailed traffic study and parking analysis will be done at the time of Use Permit submittal, the following is offered as a measurement of the main activities occurring on the site. It does not represent a traffic analysis nor is it a comprehensive analysis of all site activity. The numbers used in this section of the project description were based on information extrapolated from a 2009 Traffic Analysis prepared by TJKM Transportation Consultants for a winery and events center in Sonoma County and other traffic studies and measurements used by the industry.

Truck Traffic – Wineries

Harvest

Based on winery trip generation studies, it would take approximately 43 round trips (one trip into the site and one trip out) to deliver enough grapes for a 50,000 case winery (two wineries having a combined total of 50,000 cases at maximum production) over a typical six-week harvest period with crews working six days per week. If this were averaged evenly over the harvest period it would amount to 1.2 round trips per day. Assuming that grape deliveries are not spread out evenly over the harvest period but are delivered in half the time (over 18 working days instead of 36

¹ We believe these assumptions to be likely. However, they could change when additional analysis and project details are developed at the time of Use Permit submittal.

working days) the truck trip generation figures would be 3 round trips per day over 18 days within a 42 day period (36 working days, 42 calendar days).

Winery Operations

In addition to grape delivery at harvest, there is truck traffic related to winery operations such as glass delivery, wine shipping, delivery and disposal of barrels, etc. According to industry estimates, a 50,000 case production would require approximately 75 non-harvest truck trips during the balance of the year. This equates to 1.6 truck trips per week.

Tasting Room – Deli – Retail Visitor Traffic

It is assumed that the tasting room, fruit stand, associated retail operation will be open seven days per week from 9:00 am to 6:00 pm. At an assumed peak visitor count of 500 persons, this would equate to 56 persons per hour. Traffic studies of vehicle occupancies of visitors to winery tasting rooms show an average visitor vehicle occupancy of 2.64 persons per vehicle. Based on this average, approximately 21 vehicles would arrive during an average hour on a peak visitor day.

Special Events Traffic:

The project proposes 100 special events per year with a maximum of 150 persons per event. Events could take place through out the week and could be held during the day or in the evening. It is assumed that events are likely to be clustered around the weekends and may have a 75/25 split between daytime and evening. Traffic studies developed for special events show an assumed occupancy of 2 persons per vehicle. Therefore, a special event at maximum occupancy would generate 75 vehicles.

Possible Worst Case Scenario:

Average hour during a peak visitor day coupled with a maximum occupancy special event with all vehicles arriving in one hour during harvest: Results - 96 vehicles (21 visitors and 75 special events) 3 winery trucks, 1 retail delivery truck. Vehicles associated with employees, catering service etc. would already be at the site therefore they would not be arriving at peak hour. As designed, the project has 125 parking spaces, sufficient to handle a peak event.

Management Measures:

As the operational details of the project become further developed and a professional traffic and parking analysis is prepared, the project proponents will develop Operation Management Measures. These measures may include limiting the size, time and days of special events during harvest, use of shuttle services for certain size events during certain times of the year, on-site parking attendant, on-site traffic manager during harvest etc. This level of detail will be developed at the time of Use Permit submittal and during the environmental review process.

Project Phasing:

The project is to be developed in three phases:

Phase One:

- Winery #1 or winery #2
- Winery tasting room/deli
- Special events area
- Possibly the fruit stand/gourmet foods retail building

Phase Two:

- Remaining winery
- Fruit stand/gourmet foods/retail building if not constructed in Phase One.

Phase Three:

- Replacement Residential
- Reception

Development of the project in phases will also provide the possibility of fine-tuning the Operation Management Measures. These measures are likely to take the form of recorded project CC&Rs.

