

LAW OFFICES OF

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March 13, 2009

Charlene Gallina, Planning Director
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Planning & Building Department
City of Calistoga
1232 Washington Street
Calistoga, California 94515

Re:	My Clients:	Jill and Joseph Cabral
	Subject Property:	965 Silverado Trail (APN 011-050-043)
	Subject Application:	General Plan Map and Zoning Ordinance Map & Text Amendments

Dear Charlene and Erik:

Introduction

My clients Jill Cabral and Joseph Cabral would like to develop a small family owned winery and bicycle rentals and tours at 965 Silverado Trail (APN 011-050-043), while maintaining existing commercial uses allowed under their current Conditional Use Permit. To accomplish these goals within the framework of the City's regulations, Mr. and Mrs. Cabral are requesting amendments to the General Plan Map designation, Figure LU-4, and the Zoning Ordinance Map to Light Industrial. They are also seeking a minor text amendment to Chapter 17.26 (I Light Industrial) to include bicycle rentals and tours as an allowed use.

Current Status of the Property

It is my understanding that the parcel in question is approximately one acre. The property is presently designated High Density Residential on the General Plan Map, Figure LU-4. The parcel is located within the General Plan's Silverado Trail Entry Corridor Overlay, Figure LU-6. It is presently zoned R-3 (Residential/Professional Office District), with conditionally permitted wine tasting, retail sales and limited barrel storage.

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Located on the site are two buildings: a 1298 square foot main building built in the 1920s and currently used for office space and a 1000 square foot barn used for limited barrel storage, wine tasting, wine fulfillment, and related retail sales. The site also contains ample required parking. As a condition to their use permit to operate a tasting room in the barn structure, the Cabrals have made substantial costly landscaping and infrastructure improvements to the property. They have incorporated berms along Silverado Trail and planted numerous Olive Trees. They have installed costly fire protection equipment, a sidewalk fronting Silverado Trail, professionally engineered drainage improvements, an entry driveway, curb and accessibility improvements and a bike path along the entire length of the northwesterly property boundary.

Even with these costly improvements, the Cabrals have worked conscientiously to preserve the property's rustic and rural atmosphere. Their improvements to the property are consistent with surrounding properties, many of which are planted with vineyards and operating wine production facilities. Wineries in the immediate vicinity include the Silver Rose Inn & Winery and August Briggs Winery. Directly to the east of Mr. Cabral's parcel is the Calistoga Mineral Water bottling plant, which is also designated Light Industrial. Beyond the bottling plant is the recently completed Solage Spa and Resort. To the northwest is the recently completed Jehovah's Witness Kingdom Hall.

Given the adjacent light industrial water operations and the existing small wineries in the area, the re-designation to Light Industrial appears to be reasonable, appropriate and compatible with the City's vision for the area.

For example, the Cabrals' proposal appears to be in keeping with the intent of the draft Urban Design Plan (UDP) which seeks to increase the potential for resorts in the area while maintaining the existing rural character. Certainly, Mr. and Mrs. Cabral's wine tasting and wine production, together with the existing bicycle path and potential bicycle tours and rentals would be complementary to the designated Resort Character Area. Ultimately, the proposed uses on the property will continue to reflect a low intensity pattern of development that will enhance and complement the resort and wine production facilities within this important entry corridor.

Mr. and Mrs. Cabral intend to construct a small crush pad and related wine production facilities to enable them to produce approximately 4200 cases or roughly 10,000 gallons of wine. Unlike some other local tasting rooms, the wine to be tasted and sold by the Cabrals is grown and produced in the Calistoga area. Therefore, this small, family owned winery will be a beneficial addition to Calistoga because it will promote and support Calistoga's excellent wine reputation. From an economic perspective, it makes complete sense for the Cabrals to combine their wine production, tasting and retail sales on the same property rather than produce and bottle the wine at another facility and transport to the site.

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To achieve their modest plans and fulfill the City's goals and expectations for the area, the property located at 965 Silverado Trail must first be designated Light industrial in the General Plan and Zoning Ordinance Map and the zoning text for Light Industrial must be amended slightly to include bicycle tours and rentals as an allowed use.

General Plan Amendment

Mr. and Mrs. Cabrals' property is within the High Density Residential land use designation, which generally occurs adjacent to downtown. As shown on page LU-21 of the General Plan, the following uses may also be permitted if they conform to all relevant General Plan policies: "convalescent care, community care and congregate care, visitor accommodations other than bed-and-breakfasts units, but only where the Visitor Accommodation Overlay District is applied; bed-and-breakfast units; live-work units and home occupations; and houses of worship." Neither wineries nor bicycle rentals/tours would be allowed without a map amendment.

The property located at 965 Silverado Trail has never been used for high density residential and such a designation appears to be outdated and inconsistent with development trends in the area and the resort character area described in the UDP. If anything, the property should be designated as Light Industrial to be consistent with the bottling plant's light industrial designation right next door.

At Page LU-25 of the General Plan, the following uses are deemed appropriate within the Light Industrial area: "manufacturing, auto repair, bottling plants, storage, assembly, service and repair and greenhouses." Wine production would fall within these broad categories, and in fact wineries are included within the list of allowed uses in the Light Industrial zoning ordinance. (CMC 17.26)

In addition to the broad Light Industrial category of uses, the area would also include "[a]ccessory commercial use such as retail, offices and eating establishments...if they conform to all General Plan Policies." (Page LU-25 of the General Plan) This list of accessory commercial uses would be consistent with the existing retail and wine tasting operations on the Cabrals' property.

At page LU-26 of the General Plan, the Entry Corridor Overlay provides in relevant part: "It is important to preserve and protect the 'country town' appearance of Calistoga by ensuring that new development is of a scale subordinate to agricultural uses located at these entry corridors." At Page LU-33 of the General Plan, the commercial uses deemed appropriate within the Entry Corridor include "nurseries, destination spas and resorts, museums, winery and vineyard-related businesses..."

Here, the Cabrals believe that the use of property for the small-scale production of locally grown and produced wines, wine storage and bicycle tours and rentals would be entirely

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consistent with the Light Industrial designation and the Entry Corridor Overlay. Moreover, the proposed uses are remarkably compatible with the uses at Calistoga Mineral Water, August Briggs Winery, Silver Rose Inn & Winery and Solage.

Zoning Map & Text Amendments

As you are well aware, the Land Use Designation Map is implemented through Calistoga's Zoning Ordinance, which delineates more specific classifications of allowed uses than the City's General Plan.

Here, if the property were re-designated to Light Industrial in the General Plan, the zoning ordinance map should also be amended accordingly.

In addition the text of the Light Industrial zoning ordinance would require a minor modification to accommodate bicycle rentals/tours. The applicable zoning ordinance would be Chapter 17.26 which permits the following uses with a use permit:

- "A. Bookbinding;
- B. Production, printing, or assembly of finished paper products including publishing facilities, mail services;
- C. Production or assembly of food and kindred products;
- D. Mini storage or warehouse;
- E. Production or assembly of leather goods or textile products;
- F. Pharmaceutical products or research laboratories;
- G. Public Utility substations and public buildings;
- H. Wineries and bottling operations;
- I. Commercial laundries;
- J. Geothermal activity (exploration, development and use);
- K. Similar uses determined by the Planning Commission to be similar in nature, as provided by the procedures in Chapter 17.02 CMC"

Although wineries are allowed in the Light Industrial zoning district, the list of uses does not include bicycle tours or rentals. Therefore, my clients would respectfully request that the zoning text be amended to include bicycle tours and rentals. Such a zoning text amendment would undoubtedly promote the use of bicycles from the outskirts of town to more centrally located businesses. Likewise, when the existing bike path on the Cabrals' one acre parcel is extended by other property owners, it would make sense to accommodate bicyclists with a conveniently located bicycle rental facility.

Anticipated Effect on Water Usage and Sewage Generation

The Cabrals retained R.E.B. Engineering to prepare a wastewater feasibility report for a small winery with a proposed production of 10,000 gallons per year. R.E.B Engineering has

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concluded that a wastewater system is feasible to accommodate anticipated employee and visitor usage and the proposed winery usage. The winery will use the existing standard disposal system for both winery processing and domestic wastewater. Proposed upgrades would include the addition of 60 feet of standard trench, a 1,500 gallon process waste septic tank and a process waste pretreatment system.

As a condition to his existing use permit, the Cabrals were required to install a sink and dishwasher to accommodate his small tasting facility. Moreover, Calistoga Public Works has confirmed that the anticipated use of water for wine production will not exceed the property's existing baseline water allocation of 339 units per year.

Anticipated Effect on Traffic and Parking

Presently, the property has ample parking spaces to serve existing uses. In conjunction with the addition of the tasting room, Mr. Cabral has made substantial improvements to the entryway and parking areas to make them aesthetically pleasing, safe and accessible to disabled patrons, as well as fire and safety vehicles.

Even with the addition of the crush pad and related wine production equipment, the parcel is substantially large enough to accommodate all parking requirements.

Conclusion

My clients have submitted their requests for general plan map and zoning ordinance map designation amendments and zoning ordinance text change in good faith to accommodate proposed uses which are consistent with the small town rural character of the surrounding area and complementary to current and future development. Because the current general plan and zoning designations for the property do not allow for wine production and bicycle tours and rentals and because the current Light Industrial zoning text does not include bicycle tours and rentals as an allowed use, Mr. and Mrs. Cabral believe it is in the best interests of all concerned to grant their amendment requests.

Should you wish to discuss my clients' requests further, please do not hesitate to contact me. Thank you for your continuing professional courtesy and cooperation.

Very truly yours,



Paul Jamison Dohring

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