

ORDINANCE NO. 679

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-R RURAL RESIDENTIAL DISTRICT), 17.21 (HOME OCCUPATIONS), 17.22 (COMMERCIAL LAND USE DISTRICTS), 17.24 (PD PLANNED DEVELOPMENT DISTRICT), AND 17.26 (I LIGHT INDUSTRIAL DISTRICT) OF TITLE 17 (ZONING) TO ESTABLISH GRAPE SOURCING REQUIREMENTS FOR WINERIES AND STAND ALONE WINERY TASTING ROOMS

WHEREAS, preservation and protection of agricultural land within the City and the City's Planning Area is an identified goal in the Open Space and Conservation Element of the City's General Plan; and

WHEREAS, the unique combination of geography, climate, micro-climates and soils of agricultural lands within the City and the City's Planning Area is particularly conducive to the production of high quality wine grapes; and

WHEREAS, within the City and the City's Planning Area areas suitable for quality vineyards are limited and irreplaceable. Any project that directly or indirectly results in the removal of existing or potential vineyard land from use depletes the inventory of such land forever; and

WHEREAS, the cumulative effect of such projects is far greater than the sum of individual projects. The interspersing of non-agricultural structures and activities throughout agricultural areas in excess of what already exists will result in a significant decrease in the land available for agricultural purposes; and

WHEREAS, the City Council received a request from the agricultural community to adopt an ordinance regulating the source of grapes used in wines produced at local wineries and in wines tasted and sold in local winery tasting rooms; and

WHEREAS, the City Council discussed adoption of a grape sourcing ordinance at its regularly scheduled meetings on September 6, 2011, October 4, 2011 and December 6, 2011 and received extensive public testimony regarding adoption of a grape sourcing ordinance; and

WHEREAS, after thorough discussion and deliberation, the City Council directed staff to prepare an ordinance establishing grape sourcing requirements for wineries and stand alone winery tasting rooms located within the City; and

WHEREAS, the Planning Commission considered the proposed ordinance at its regularly scheduled meeting on February 8, 2012. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the ordinance on February 8, 2012, and adopted Resolution PC 2012-03 forwarding a recommendation that the City Council approve the ordinance; and

WHEREAS, the City Council of the City of Calistoga has reviewed and considered this ordinance at regular meetings on February 21, 2012 and March 6, 2012, noticed in accordance with state and local law, and which included the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

WHEREAS, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

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

SECTION ONE:

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

SECTION TWO:

Section 17.04.592 entitled "Portable Sign" of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

"Section 17.04.591 Portable sign.

"Portable sign" shall mean a sign that is not permanently affixed to the ground or a structure, such as "sandwich board" and "A-frame" signs. (Ord. 606 § 3(X), 2004; Ord. 580 § 3(U), 2002, Ord. 679, § 2, 2012. Formerly 17.04.592)."

SECTION THREE:

New Section 17.04.592 entitled "Private Wine Marketing Event" is hereby added to Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:

"Section 17.04.592 Private wine marketing event.

"Private Wine Marketing Event". A private wine marketing event is any activity conducted for the purpose of educating members of the wine trade and persons who have a pre-established business relationship with the owner/operator of the business in order to increase the amount of wine sold to those individuals. Marketing activities may include food service without charge when provided in association with such education and business development, but shall not include cultural and social events unrelated to such education and development. (Ord. 679, § 3, 2012)."

SECTION FOUR:

Section 17.04.593 entitled "Public" of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

"Section 17.04.594 Public sign.

"Public sign" shall mean a sign which is located on property owned by a public or quasi-public agency which informs people of general issues of community interest. (Ord. 606 § 3(Y), 2004; Ord. 580 § 3(V), 2002, Ord. 679, § 4, 2012. Formerly 17.04.593)."

SECTION FIVE:

New Section 17.04.593 entitled "Public Tours and Tastings" is hereby added to Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:

"Section 17.04.593 Public Tours and Tastings.

"Public tours and tastings". Public tours and tastings are tours of a winery and/or on-site tastings of wines produced on the premises. Public tours and tastings may also include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 679, § 5, 2012)."

SECTION SIX:

Section 17.04.646 entitled "Winery operations" of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

"Section 17.04.646 Winery.

"Winery" shall mean a bonded establishment primarily used for the purpose of processing grapes or other fruit products into wine. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling, and wholesale or retail sales of wine produced or bottled on the premises. Ancillary activities such public tours and tastings, private wine marketing events, sales of wine or winery-related merchandise, and public winery events may be conditionally permitted in conjunction with a winery. (Ord. 625 § 1, 2005. Ord. 679, § 6, 2012)."

SECTION SEVEN:

New Section 17.04.647 entitled "Winery Event" is hereby added to Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:

"Section 17.04.647 Winery Event.

"Winery event". Winery events are events or activities which are open to or hosted by members of the general public. (Ord. 679, § 7, 2012)."

SECTION EIGHT:

New Section 17.04.648 entitled "Wine Shop" is hereby added to Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:

"Section 17.04.648 Wine Shop.

"Wine shop". A wine shop is an establishment that purchases and sells wines from multiple wineries and distributors. Wine shops are not owned or operated by wineries and must possess a Type 20, 21 or 42 license from the State Department of Alcoholic Beverage Control (ABC). Wines sold in a wine shop may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. (Ord. 679, § 8, 2012)."

SECTION NINE:

New Section 17.04.649 entitled "Winery Tasting Room" is hereby added to Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:

"Section 17.04.649 Winery Tasting Room.

"Winery tasting room". A winery tasting room is an establishment that sells wines on behalf of one or more wineries and enables consumers to taste wine (with and without charge) as a regular part of the sales business. Winery tasting rooms are owned or operated by wineries that possess a Type 02 license from the State Department of Alcoholic Beverage Control (ABC). (Ord. 679, § 9, 2012)."

SECTION TEN:

Subsection (8) of Section 17.14.020.B entitled "Uses Allowed with Use Permit" of Chapter 17.14 (R-R Rural Residential District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

- "8. Small scale winery operations producing less than 2,000 cases of wine annually; provided, that the following guidelines have been considered prior to the required use permit approval:
 - a. The parcel size is two acres or more;
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use;
 - c. A minimum of 75% of the fruit used to make wine produced on-site must be grown within the County of Napa. Of that, a minimum of 20 percent of the wine produced on-site shall originate from fruit grown on the parcel with modifications only approved through the use permit process;
 - d. Only one winery shall be permitted on-site;
 - e. Public tours and tastings shall be prohibited;
 - f. The number and frequency of private wine marketing events shall be strictly limited and reviewed during the use permit process. Private wine marketing events are limited to a maximum of four events per calendar year. The maximum number of guests allowed at any private wine marketing event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the small winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the new small winery use;
 - g. Winery events shall be prohibited. All private wine marketing events shall be held within the confines of the on-site residential unit, the production area of the small winery building, or outside or except as previously defined;

- h. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises. No merchandise shall be sold;
- i. The hours of sales shall be by appointment only as reviewed during the use permit process;
- j. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees shall be specifically invited to participate in the private wine marketing event by the small winery owner/operator;
- k. All the requirements of CMC Title 19 shall be met;
- l. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing. (Ord. 679, § 10, 2012)."

SECTION ELEVEN:

Subsection (9) of Section 17.14.020.B entitled "Uses Allowed with Use Permit" of Chapter 17.14 (R-R Rural Residential District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

- "9. Large scale winery operations producing up to 4,000 cases of wine annually; provided that the following guidelines have been considered prior to the required use permit approval:
 - a. The parcel size is four acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.
 - c. Only one winery shall be permitted on-site.
 - d. The winery conducts limited public tours and tastings, sells wine-related items or holds private wine marketing events and winery events with a use permit.
 - e. Noise shall be restricted to a decibel level of 55 dba at property boundaries.
 - f. A minimum of 75% of the fruit used to make wine produced on-site must be grown within the County of Napa. Of that, a minimum of 30 percent of the wine produced on-site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - g. The number and frequency of private wine marketing events and winery events shall be strictly limited and reviewed during the use permit process. A maximum of four events per calendar year may be allowed. The maximum number of guests allowed at any event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous

place in the winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the winery use.

- h. All events shall be held within the confines of the on-site residential unit, the production area of the large winery building, or outside.
- i. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises.
- j. The hours of public tours and tastings and sales shall be by appointment only as reviewed during the use permit process.
- k. There can be no advertising in publications produced for general distribution for private wine marketing events or winery events and all attendees shall be specifically invited to participate in an event by the large winery owner/operator.
- l. All the requirements of CMC Title 19 shall be met.
- m. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing. (Ord. 679, § 11, 2012)."

SECTION TWELVE:

Section 17.21.040 entitled "Conditions for operation" of Chapter 17.21 (Home Occupations) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

"The following conditions shall apply to all home occupation permits:

- A. The home occupation shall be conducted entirely within a dwelling and/or a garage and must be clearly subordinate to the use of the property for residential purposes.
- B. A home occupation within a garage shall not impair the daily use of the garage by maintaining storage area for at least one automobile.
- C. The home occupation shall not alter the appearance of the dwelling unit such that the structure is likely to be recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds, noise, vibration and the like).
- D. There shall be no signs other than the name and address of the resident(s).
- E. There shall be no advertising on or in the vicinity of the property or otherwise which identifies the home occupation by street address.
- F. No commercial vehicles may be used for delivery of materials, with the exception of occasional and reasonable courier services to or from the premises, and no more

than one vehicle larger than a three-quarter-ton truck may be used in connection with a home occupation.

- G. Activities conducted, equipment, or hazardous materials, shall be identified on the permit application and shall not change the fire safety or occupancy classifications of the premises.
- H. No use shall create or cause hazards or nuisances due to noise, dust, vibration, odors, smoke, glare, electrical interference or other reasons.
- I. Not more than one employee, other than the resident(s) of the dwelling shall be allowed to work, gather or congregate on the premises in connection with a home occupation with the exception of babysitters or domestic staff. Home occupation utilizing an outside employee must provide additional adequate parking.
- J. Winery-related home occupations shall be limited to administrative activities, barrel aging and storage. Indoor storage of up to two barrels or 50 cases of wine shall be permitted. Home wineries shall comply with any grape sourcing requirements that are applicable to the facility at which the fruit used to produce the wine is crushed. No public tours and tastings, private wine marketing events, winery events, retail or wholesale distribution shall be permitted on the premises.
- K. Home occupations utilizing an outside employee shall provide adequate worker's compensation.
- L. There shall be no use or storage of materials or mechanical equipment not recognized as being part of a normal household or hobby use. No outdoor storage other than that permitted in a residential zone shall be allowed.
- M. There shall be no use of any accessory building or yard space or activity outside of the main building or attached garage not normally associated with residential use.
- N. The home occupation shall not result in the use of water, sewer, electrical or natural gas utilities in amounts greater than normally used for residential purposes.
- O. The home occupation permit shall be valid only for the person to whom it is issued, at the address at which it is issued, and during the period of time for which a valid, unexpired City business license is in effect. Failure to properly renew said license or failure to comply with any of the conditions of approval will render the permit null and void. (Ord. 679, § 12, 2012)."

SECTION THIRTEEN:

Subsection B of Section 17.22.040 entitled "Downtown commercial (DC) district – Allowed, conditionally permitted and prohibited uses" of Chapter 17.22 (Commercial Land Use Districts) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

- "B. The following uses require a conditional use permit in the DC district and within an entry corridor as defined in the 2003 General Plan Update, pursuant to Chapter 17.40 CMC:

1. Theaters and places of public assembly, such as halls, lodges, fraternal organizations and clubs;
2. Dance studios and schools;
3. Hotels, motels, resorts and inns;
4. Outdoor sales establishments, such as plant nurseries and garden supplies, taxi stands, and storage associated with a primary use, such as hardware and home improvement stores;
5. Banks and financial institutions, with drive-up or walk-up facilities;
6. Sale of used or secondhand goods, excluding books and magazines;
7. Religious institutions, such as churches and mosques;
8. Public utility substations and public and private schools;
9. Geothermal uses;
10. Formula businesses otherwise allowed in subsection (A) of this section, but not including formula restaurants or formula visitor accommodations;
11. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
12. Modifications to existing structures resulting in an increase in the number of leasable spaces;
13. Remote parking for businesses located off-site;
14. Bars;
15. Restaurants, bakeries, cafes and other similar uses, with or without outdoor seating, not meeting the criteria set forth in subsection (A)(9)(a) of this section;
16. Live entertainment and/or dancing;
17. Live-work units allowed in conjunction with a permitted commercial use; provided, that the following requirements have been met prior to use permit approval:
 - a. The required off-street parking for the exclusive use of dwelling units is provided, pursuant to Chapter 17.36 CMC;
 - b. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing

on the property (i.e., lighting, noise, fumes and hours of operation, etc.);

- c. Prior to use permit approval, residential-commercial uses shall require design review by the Planning Commission, pursuant to Chapter 17.06 CMC;
18. Multifamily dwellings above the first floor, subject to a specific finding that the proposed use is consistent with the rural, small-town character of the community;
19. Gasoline service stations, with no automobile repair and/or carwash;
20. Wine shops as defined in Chapter 17.04 CMC, including tasting facilities;
21. Winery tasting rooms as defined in Chapter 17.04 CMC, provided that seventy-five percent (75%) of the wines poured for tasting in the winery tasting room without charge comply with one of the following:
 - a. Are labeled Napa County, Napa Valley or other legally recognized American Viticultural Area within the County of Napa; or
 - b. Are made with at least 75% fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in (a) and (b) above may be allowed if collectively the combination represents at least 75% of the wines being poured for tasting in the winery tasting room;
22. Wine, beer and liquor sales;
23. Storage when associated with a resident-serving business located on an adjacent parcel;
24. Souvenir shops;
25. Walkaway businesses;
26. Commercial amusements, such as arcades and fortune tellers;
27. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises;
28. Uses otherwise allowed in subsection (A) of this section, but because of their location in an entry corridor require a use permit;
29. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC;
30. Sexually oriented retail businesses. (Ord. 679, § 13, 2012)."

SECTION FOURTEEN:

Subsection B of Section 17.22.060 entitled "Community commercial (CC) district – Allowed, conditionally permitted and prohibited uses" of Chapter 17.22 (Commercial Land Use Districts) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

- "B. The following uses require a conditional use permit in the CC district, pursuant to Chapter 17.40 CMC and within an entry corridor as defined in the 2003 General Plan Update:
1. Theaters and places of public assembly such as halls, lodges, fraternal organizations and clubs;
 2. Hotels, motels, resorts and inns;
 3. Automobile, boat and recreational vehicle sales, rentals and repair;
 4. Outdoor sales establishments, such as plant nurseries and garden supplies, taxi stands, and storage associated with a primary use, such as hardware and home improvement stores;
 5. Banks and financial institutions, with drive-up facilities;
 6. Sale of used or secondhand goods, excluding books and magazines;
 7. Religious institutions, such as churches and mosques;
 8. Public utility substations and public and private schools;
 9. Geothermal uses;
 10. Formula businesses otherwise allowed in subsection (A) of this section, but not including formula restaurants or formula visitor accommodations;
 11. Stand-alone parking lots;
 12. Remote parking for businesses located off-site;
 13. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor dining;
 14. Live entertainment and/or dancing;
 15. Walkaway businesses;
 16. Single-family, live-work units, caretaker's quarters allowed in conjunction with or without a permitted commercial use; provided, that the following guidelines have been considered prior to the required use permit approval:

- a. The required off-street parking for the exclusive use of dwelling units is provided pursuant to Chapter 17.36 CMC;
 - b. New structures or structural expansion shall not be permitted if it would contribute to a lot coverage that exceeds 60 percent;
 - c. Residential uses shall be provided a screened yard area not less than 300 square feet per dwelling unit, except in cases where due to the location of existing structures there is no land available for said yard;
 - d. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing on the property (i.e., lighting, noise, fumes and hours of operation, etc.);
 - e. Prior to use permit approval, a residential use or combination of residential and commercial uses shall require design review by the Planning Commission, pursuant to Chapter 17.06 CMC;
17. Multifamily dwellings, subject to a specific finding that the proposed use is consistent with the rural small town character of Calistoga;
 18. Gasoline service stations, including carwash facilities;
 19. Veterinarian clinics with boarding facilities, as provided in CMC 17.14.020(B)(3);
 20. Childcare facilities;
 21. Wine shops as defined in Chapter 17.04 CMC, including tasting facilities;
 22. Winery tasting rooms as defined in Chapter 17.04 CMC, provided that seventy-five percent (75%) of the wines poured for tasting in the winery tasting room without charge comply with one of the following:
 - a. Are labeled Napa County, Napa Valley or other legally recognized American Viticultural Area within the County of Napa; or
 - b. Are made with at least 75% fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in (a) and (b) above may be allowed if collectively the combination represents at least 75% of the wines being poured for tasting in the winery tasting room;
 23. Wineries, including public tours and tastings, winery events and private wine marketing events;
 24. Wine, beer and liquor sales;

25. Storage when associated with a resident-serving business located on an adjacent parcel;
- 25a. Temporary storage or warehousing of nontoxic/nonhazardous material substances; provided, that the following requirements have been met prior to use permit approval:
 - a. The use shall be entirely enclosed within an existing structure as of the effective date of the ordinance codified herein; new structures or expansion of more than 10 percent of an existing structure shall be prohibited for such uses;
 - b. The use shall primarily serve the permanent resident population of Calistoga;
 - c. The use shall be restricted to up to two years. The use may only be extended upon the review and approval of the Planning Commission provided the following:
 - i. A needs assessment is prepared indicating a demand for the use;
 - ii. Public notices are prepared pursuant to Section 65090 through 65096 of the California Government Code;
 - iii. Public hearings are held pursuant to this title and/or pursuant to the provisions of the California Government Code;
 - d. The use shall be prohibited within an entry corridor as defined in the 2003 General Plan Update;
 - e. Public storage uses shall be prohibited;
 - f. Warehousing or storage of products for regional distribution shall be prohibited;
 - g. Outdoor storage of goods and materials shall be prohibited;
26. Antique stores;
27. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
28. Modifications to existing structures resulting in an increase in the number of leasable spaces;
29. Thrift and discount stores, not including manufacturers' outlet stores;
30. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises;

31. Convalescent and senior care facilities;
32. Nurseries and greenhouses;
33. Uses otherwise allowed in subsection (A) of this section, but because of their location in an entry corridor require a use permit;
34. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC;
35. Sexually oriented retail businesses. (Ord. 679, § 14, 2012)."

SECTION FIFTEEN:

Section 17.24.025 entitled "Uses Permitted" of Chapter 17.24 (PD Planned Development District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

"The following types of uses may be permitted in a planned development:

- A. Residential uses with a multiplicity of housing types; provided, that the density does not exceed the General Plan designation, unless however, the proposed development assists the City in meeting its affordable housing goals as identified in the housing element.
- B. A planned development may include a multiplicity of land uses; provided that such uses would normally be permitted in the zoning or General Plan regulations. Specific commercial use of property adjacent to an existing commercial zone may be approved when said property is to be used for additional off-street parking or an extension of buildings in the existing commercial zone when combined with residential uses. Where this is permitted the development plan shall clearly detail, by engineering and architectural specifications and drawings, the manner in which the subject area is to be developed and the means that will be employed to promote the harmonious mix of uses on site and protect the abutting property and the health, safety and welfare enjoyed thereon. The form and type of development on the site boundary shall be compatible with the existing or potential development of the surrounding neighborhood.
- C. Wineries, including public tours and tastings, winery events and private wine marketing events as defined in Chapter 17.04 CMC, may be permitted in a planned development district as a conditionally permitted use provided that a winery would normally be permitted in the zoning or General Plan regulations. If the winery is located on property that is designated as Rural Residential by the General Plan, a minimum of 75% of the fruit used to make wine produced on-site must be grown within the County of Napa. (Ord. 679, § 15, 2012)."

SECTION SIXTEEN:

Section 17.26.020 entitled "Uses allowed" of Chapter 17.26 (I Light Industrial District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

"Uses allowed in an I district are as follows and each shall require 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 products or textile products;
- F. Pharmaceutical products or research laboratories;
- G. Public utility substations and public buildings;
- H. Wineries; including public tours and tastings, winery events and private wine marketing events;
- 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. (Ord. 679, § 16, 2012)."

SECTION SEVENTEEN:

Environmental Clearance.

This action has been reviewed in accordance with the California Environmental Quality Act. CEQA Guidelines Section 15061(b)(3), the "general rule" exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City has determined that the activity in question, a Municipal Code amendment to establish grape sourcing requirements for new wineries located in certain zoning districts and for wines poured in new stand-alone winery tasting rooms, will not have any impact on the environment and therefore is exempt from CEQA under the general rule.

SECTION EIGHTEEN:

Severability.

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

SECTION NINETEEN:

Effective Date.

THIS ORDINANCE shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.


THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City of Council meeting of the 21st day of February, 2012, and was passed and adopted at a regular meeting of the Calistoga City Council on the 6th day of March, 2012, by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Canning and Slusser.
NOES: Mayor Gingles.
ABSENT: None.
ABSTAIN: None.



JACK GINGLES, Mayor

ATTEST:



AMANDA DAVIS, Deputy City Clerk