

ORDINANCE NO. 683

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING TITLE 17 (ZONING) ADDING ARTICLE, VIII, "PD 2011-01", BRIAN ARDEN WINES PLANNED DEVELOPMENT DISTRICT TO CHAPTER 17.24 AND REZONING THE PROPERTY LOCATED AT 331 SILVERADO TRAIL (APN 011-050-030) WITHIN THE "PD 2011-01" DISTRICT.

The City Council of the City of Calistoga does hereby ordain as follows:

SECTION ONE:

WHEREAS, an application was submitted by Burt Harlan on September 16, 2011 requesting an amendment to Planned Development Zoning District to allow the Brian Arden Winery Project, a 10,000 case production winery and wine related uses including limited events, administrative offices, retail sales and tasting locates at 331 Silverado Trail (APN 011-050-030); and

WHEREAS, An Initial Study/Mitigation Negative Declaration (IS/MND) was completed in accordance with applicable CEQA Guidelines, and on February 17, 2012, the IS/MND was circulated for public and agency review and comment. Copies of the IS/MND were made available to the public at the Department of Planning and Building and the IS/MND was distributed to interested parties and agencies. On February 17, 2012 and March 9, 2012, a notice of the Planning Commission public hearing of March 21, 2012, to review the IS/MND was published in the local newspaper; and

WHEREAS, the Planning Commission has recommended adoption of a Mitigated Negative Declaration (Resolution PC 2012-06) based upon the initial study prepared for this project finding that the proposed project, as amended by mitigation measures agreed to by the applicant, would not have a significant adverse impact on the environment; and

WHEREAS, the City Council adopted Resolution 2012-039 adopting a Mitigated Negative Declaration based upon the initial study prepared for this project finding that the proposed project, as amended by mitigation measures agreed to by the applicant, would not have a significant adverse impact on the environment; and

WHEREAS, a public notice of the City Council public hearing of April 17, 2012 and June 5, 2012 on the Draft Initial Study/Mitigated Negative Declaration, Zoning Ordinance Text Amendment and the proposed project planning actions was published in the local newspaper and made available on the City's website; and

WHEREAS, based upon the comments received during the April 17, 2012 City Council meeting, the Applicant submitted project revisions depicted on the engineered plans prepared by Delta Consulting & Engineering and the architectural plans prepared by DiFede Design Group received by the Planning and Building Department on May 16, 2012. Additionally, on May 17, 2012 the Planning and Building Department received a Landscape Plan prepared by CBH Design Inc.;

WHEREAS, the City Council has reviewed and considered the application for the Project at its regular meeting on April 17, 2012, June 5, 2012 and June 19, 2012, considered as one of its items of business, this Ordinance to be adopted in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Government Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

WHEREAS, the City Council adopted the following findings with the introduction of an Ordinance:

1. The proposed text amendment will continue to provide flexibility in the development while allowing for unique circumstances, and perpetual maintenance of a winery development without adversely impacting the quality that make the community unique.
2. The proposed text amendment is consistent with the City's General Plan Rural Residential land use designation, Planned Development and Entry Corridor 2 – Downvalley Silverado Trail Overlay designations and related policies. Provisions for uses and proposed revised development standards will preserve a significant portion of the property for vineyard and protect existing trees to the extent feasible consistent with the rural character of the area. Moreover, a conditional use permit and design review is required for development of the site, other than for small accessory structures, which will help to ensure that the use of the site retains the sensitive elements of the parcel.
3. The proposed text amendment promotes and enhances the rural traditions of the community and is necessary and proper to balance the natural and built environment of this site at one of Calistoga's important gateways to the community.
4. The proposed text amendment is necessary and proper to ensure that the small town character of the community is preserved and enhanced consistent with the General Plan, while providing reasonable opportunity to establish a high quality and creative winery development project.

SECTION TWO:

Section 17.24 of Title 17 (Zoning Ordinance) is hereby amended by adding subsection 17.24.660 through 17.24.700 as follows:

Article IV. PD 2011-01, Brian Arden Wines Planned Development District

17.24.660 - Purpose:

This planned development district regulates development of a 2.25-acre parcel of land (APN 011-050-030) located approximately 1,100 feet southeast of the intersection of Silverado Trail and Rosedale Road, as shown on the Zoning Map of the City of Calistoga, California, February 5, 1991, as amended. Planned Development District (PD 2011-01) is important to the community, as it contains a section of Mt. Washington and is located at a gateway to the community in an area of natural beauty. Therefore, development in this Planned Development District shall be sensitive to the rural scale of the parcel and its surroundings. Unless otherwise provided below, all proposed uses in this planned development district shall require a use permit. Development shall be in conformance with the following regulations.

17.24.670 Uses allowed.

- A. Uses Allowed Without a Preliminary Development Plan or Use Permit:
1. In APN 011-050-030, light agricultural uses including, but not limited to horticulture, floriculture, viticulture, apiaries, and related uses, not including stockyards or commercial feeding of animals.
 2. Uses determined by the Planning Commission to be similar in nature, as provided in the procedures in Chapter 17.02 CMC.
- B. Uses Allowed With a Preliminary Development Plan or Use Permit:
1. Wineries, public tours and tasting, bottling operations and ancillary wine related operations: provided that the use(s) is subordinate to a primary agricultural use on the parcel. A minimum of 75% of the fruit used to make wine produced on-site must be grown within the County of Napa;
 2. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
 3. Uses determined by the Planning Commission to be similar in nature as provided in the procedures in Chapter 17.02 CMC.
- C. Allowed Accessory Uses. Accessory buildings and uses that are clearly incidental and subordinate to the main use, such as a detached garage, storage shed, workshop, or similar building; provided, that no accessory use shall be established or accessory building constructed prior to the construction of a main building, or on a lot separate from the main building. Minimum setbacks for accessory buildings and structures shall comply with the standards provided in Chapter 17.38 CMC, except that no accessory building or structure shall be located in the required front setback.
- D. Prohibited Uses. Uses not specified in subsections (A) through (C) of this section are prohibited.

17.24.680 Height limits.

Height limit of buildings and structures in PD 2011-01 shall be 30 feet, unless otherwise provided in Chapter 17.38 CMC.

17.24.690 Development Standards.

Development standards in PD 2007-1 are as follows:

- A. Minimum lot area and lot dimensions shall be:
 - 1. Lot area: two acres;
 - 2. Lot width: 200 feet average;
 - 3. Lot depth: 400 feet.
- B. Minimum setbacks shall be as follows, unless otherwise provided in this section:
 - 1. Silverado Trail Setback (Front Yard): 30 feet.
 - 2. Side yard: 5 feet;
 - 3. Rear yard: 5 feet.
- C. Lot Coverage. Maximum coverage of a lot by all buildings or structures, including accessory structures, shall be 25 percent.
- D. Parking Requirements. Unless otherwise provided in an approved use permit or planned development permit, on-site parking, loading and circulation shall comply with the standards contained in Chapter 17.36 CMC.

17.24.700 Design Review requirements.

Design review shall be required for all buildings or structures requiring a use permit in this section. Allowed accessory buildings shall also require design review for structures or buildings 200 square feet or larger in size. Buildings and structures must be harmoniously integrated with development of the parcels to minimize their impacts on adjacent property, including the design and location of buildings, lighting, equipment to enhance the comfort of customers dining outdoors, and landscaping.

SECTION THREE:

The City Clerk or his or her designee is hereby directed to amend the Zoning Map of The City of Calistoga, California, dated February 5, 1991, as amended, which is on file with the City, to reflect the change in zoning for the subject property described in the above title.

SECTION FOUR:

If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION FIVE:

THIS ORDINANCE shall take effect thirty (30) days after its passage and before 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 Council meeting on the 5th day of June 2012, and was passed and adopted at a regular meeting of the Calistoga City Council on the 19th day of June 2012, by the following vote:

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



JACK GINGLES, Mayor

ATTEST:



AMANDA DAVIS, Deputy City Clerk