



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/3/2008

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: LINDA STCLAIRE, PLANNER II - 707.299.1348
SUBJECT: Drinkward Behrens Winery

RECOMMENDATION

LESLIE BEHRENS / DRINKWARD BEHRENS WINERY / USE PERMIT REQUEST #P06-01310-UP

CEQA Status: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Biological, Cultural Resources and Utilities/Public Services. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a use permit to establish a new 20,000 gallon per year winery and: (1) to construct a new 4,246 square foot winery building; (2) a 1,841 square foot covered outdoor crush pad; (3) tours and tasting by appointment only for a maximum of 10 visitors per day and 21 visitors per week; (4) a marketing plan with ten private wine and food tastings for the wine trade per year with a maximum of 21 people; four private wine and food events per year with a maximum of 21 people; one private harvest event per year with a maximum of 21 people; one lunch or dinner Wine Auction related event per year with up to 100 people; (5) one full-time and two part-time employees; (6) installation of winery wastewater system to include on-site septic drip system and holding tanks; (7) five parking spaces including one disabled-accessible space; and (8) widening driveway access to Public Works standards of 18 feet with two foot of shoulders. The project is located on a 15.1 acre parcel on the eastside of Silverado Trail, approximately three quarters of a mile north of its intersection with Glass Mountain Road within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel # 021-410-019) 3524 Silverado Trail, St. Helena.

Staff Recommendation: Adopt the attached Mitigated Negative Declaration and Monitoring Program and approve the winery use permit as proposed and conditioned.

Staff Contact: Linda St. Claire 299-1348

EXECUTIVE SUMMARY**Proposed Action:**

1. That the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the Drinkward Behrens Winery, based on findings 1-5 of Exhibit A;
2. That the Planning Commission approve Use Permit P06-01310-UP based on findings 6-10 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Biological, Cultural Resources and Utilities/Public Services. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Leslie Behrens

WineryApplicant/Representative: Jon Webb

Zoning: AW Agricultural Watershed

General Plan Designation: Agricultural, Watershed and Open Space; Agricultural Resource

Filed: October 17, 2006

Declared Complete: October 16, 2008

Proposed Building size: Total winery square footage: 4,246, with a 1,841 sq ft covered outdoor crush pad.

Proposed Production capacity: 20,000 gallons per year

Proposed Marketing: Ten private wine and food tastings for the wine trade per year with a maximum of 21 people; four private wine and food events per year with a maximum of 21 people; one private harvest event per year with a maximum of 21 people; and one lunch or dinner Wine Auction related event per year with up to 100 people.

Proposed Visitation: Tours and Tasting allowed by appointment only for a maximum of 10 persons per day and 21 persons per week.

Number of employees: 1 FT, 2 PT

Hours of operation: 7-5

Parking: 5 off-street spaces

Adjacent Zoning / Land Use:

North: AW - To the northwest is a 10 acre parcel containing the Jordan Winery and to the northeast a 31 acre, mostly wooded parcel, with one residence owned by the Gerry Working Trust.

South: AP - A 4.5 acre parcel with a residence owned by the Kenneth and Terry Bankson Trust.

East: AW - A 40 acre vacant wooded parcel owned by St. Helena hospital.

West: AP - An approximately 32 acre parcel with Rombauer Vineyards winery.

Property History:

1974 - Use Permit #U-287374 approved by the Planning Commission to operate a winery within an existing building and cellar with no public tastings. This was a request by the previous owner, William Stafford, in 1974, to reactivate a small winery in which was used for the same purpose before Prohibition. After a one year review was conducted, the Planning Department found that the project was not implemented, therefore, the permit expired at that time. That same year the applicant applied for and was issued a demolition permit to remove the barn/winery structure. All that remains is the cellar/cave and portal. The current project to construct a winery is in a different location within the parcel.

1970 - A residence was constructed by previous owner William Stafford.

Code Compliance History: None

Discussion Points:

1. Timeline:

October 1, 2006 - Winery application submittal. Requested additional information related to Environmental Sensitivity issues.

March 18, 2008 - Biological and archeological reports received by the Planning department.

June 16, 2008 - Applicant revises application to include 10,000 sq ft wine storage cave. Deemed incomplete by Environmental Management due to the proximity of the proposed cave to the neighboring septic system.

October 1, 2008 - Applicant eliminates cave from project submittal.

October 22, 2008 - Project deemed complete by Planning department.

2. A biological study and an archaeological study were both requested for this parcel. The biological study found no species of plants nor animals that necessitate special actions or project changes, although there were potential nesting sites for raptors located at the site and mitigation measures have been established. A qualified biologist will conduct a survey during the specific time period in which nesting occurs.

3. Two archaeologically sensitive areas and one culturally sensitive area were found on the parcel, all of which are outside of the project area and therefore will not be disturbed. Should any new cultural or archaeological material be found during construction all work will be halted in the vicinity of the finds in order to be evaluated by a qualified archaeologist or historian to determine significance under CEQA. Mitigation measures have been established to ensure this action is followed.

4. A new winery wastewater system will be installed which includes pre-treatment and drip irrigation to a four acre section of the parcel, located to the east of the proposed winery, in a wooded area. A certified arborist reviewed the site to determine any adverse effects of the drip irrigation system. Mitigation measures have been included in the project to ensure that any potentially significant environmental impacts are avoided.

Consistency With Standards:

1. Zoning - AW (Agricultural Watershed) allowed per Napa County Ordinance: 18.20.030(H).
2. Building - As conditioned this application complies with the requirements.
3. Fire Code - As conditioned the Fire Department has recommended approval of this request based on the memorandum of October 3, 2006 and revisions dated July 4, 2008. Extensive vegetation management and fire-resistive construction materials are necessary to comply with Firewise design mandates.
4. Public Works Standards - A left turn lane was constructed from Silverado Trail at the existing driveway entrance and the remaining issues, to include driveway widening and the grading of the site, have been addressed by Public Works in their comments.
5. Environmental Management Standards - The project proposes to upgrade the existing septic system for domestic waste. The new winery waste system will include pre-treatment holding tanks and distribution through drip irrigation.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Comments
- D . Initial Study
- E . Notice of Completion
- F . Project Revision Statement
- G . Submittal Application
- H . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell