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Agenda Date: 6/15/2016

Agenda Placement: 8A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Melissa Frost for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** SHAVETA SHARMA, PLANNER III - 707-299-1358  
**SUBJECT:** Frog's Leap Winery Use Permit Major Modification #P14-00054

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### **RECOMMENDATION**

#### **FROG'S LEAP WINERY-DAVID W. FLANARY- USE PERMIT MAJOR MODIFICATION NO. P14-00054-MOD**

**CEQA Status:** Consideration and possible adoption of a Revised Negative Declaration. According to the proposed Revised Negative Declaration, the project would not have any potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval to modify previous project approvals (Use Permit #U-93397, Use Permit #U-98501-MOD, Use Permit #P04-00427-MOD, and Use Permit #P10-00157-MOD) for the existing 240,000 gallons per year Winery to allow the following: 1) construction of a 3,047 sq. ft agricultural processing facility to process fruit from the existing orchard on-site, a 625 sq. ft. tasting room, and an 845 sq. ft porch to replace an existing 2,290 sq. ft. modular office building; 2) demolition of a 2,290 sq. ft modular office building; 3) increase the daily tours and tastings from approved 50 persons per day and 350 persons maximum per week, to 125 persons maximum per day Monday through Friday and 300 persons maximum per day on Saturday and Sunday, and a weekly maximum of 1,100 persons per week. Visitation hours will be modified from the existing hours of 8:00 AM to 4:30 PM to 10:00 AM to 6:00 PM; 4) modify the existing approved Marketing Plan that allows for a total of three monthly events for up to 25 persons to add 52 weekly events for up to 20 persons, 12 monthly events to allow up to 150 persons (the winery would be closed to visitation on days when 150-person marketing events are scheduled during the day time), four quarterly events up to 500 persons (the winery would be closed to visitation on days when 500-person marketing events are scheduled), and participation in Auction Napa Valley; 5) upgrade the existing water system and wastewater treatment and disposal systems; 6) installation of four new water tanks totaling 35,000 gallons for fire suppression for improved domestic water supply system; 7) increase full time employees from four previously permitted to the existing 30 full-time employees and five part-time employees; and 8) the addition of 30 parking spaces for a total of 68 spaces.

The project also includes a request for an Exception to the Napa County Road and Streets Standards to allow an

exception from the requirement to install a left turn lane on Conn Creek Road. The project will instead incorporate shoulder widening along Conn Creek Road, and use of the driveway along Rutherford Road for employee access. Pursuant to the Napa County Road and Street Standards, the approval authority for this exception is the Public Works Director because the exception is located within a public right of way. That request was tentatively approved by the Public Works Department, as stated in their memo dated October 12, 2015. Formal action will be taken by the Public Works Director after the Planning Commission makes a decision on the Use Permit Modification application as a whole.

There are no changes to the gallons of wine produced as part of this proposal. The project is located at 8815 Conn Creek Road on a 38.92 acre parcel on the west side of Conn Creek Road between Silverado Trail and Rutherford Road, Rutherford, CA, within an AP (Agriculture Preserve) zoning district (Assessor's Parcel # 030-090-033-000).

**Staff Recommendation:** Continue the item and re-notice for a future hearing date.

**Staff Contact:** Shaveta Sharma, (707) 299-1358 or [shaveta.sharma@countyofnapa.org](mailto:shaveta.sharma@countyofnapa.org)

**Applicant Contact:** Jeff Redding, 2423 Renfrew Street, Napa, CA 94558; (707) 255-7375

**CONTINUED FROM THE DECEMBER 2, 2015, JANUARY 6, 2016. AND APRIL 20, 2016 MEETINGS**

**STAFF REQUESTS THE ITEM BE CONTINUED TO A DATE CERTAIN WHICH WILL BE ANNOUNCED AT THE MEETING.**

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

That the Planning Commission:

1. Continue the item to a date certain which will be announced by staff at the meeting.

#### **Discussion:**

Frog's Leap Winery was established on May 18, 1994, by approval of Use Permit #U93397 for a 240,000 gallon/year winery in a 26,624 square foot winery building. There were subsequent use permit modification approvals to expand the facility (Use Permit #U93397-UP; Use Permit Major Modification #U98501-MOD; Use Permit Major Modification #P04-0427-MOD; and #P10-00157-MOD).

The project as it exists is compliant with respect to all structures on the property. However, the visitation, marketing, and number of employees exceeds the last Use Permit Modification which permitted up to 50 visitors per day, 36 annual events, and four full time employees. The applicant submitted this application voluntarily upon realizing that their activities were beyond the scope authorized in 2010. Currently the daily by-appointment visitation averages 116 visitors per day and 812 visitors weekly. The existing marketing plan consists 18 events annually.

The applicant is requesting to expand the existing Winery by constructing a 3,074 square foot agricultural processing facility to process fruit from the existing orchard on-site; increase the daily tours and tastings; increase the number of employees; modify the existing Marketing Plan; and upgrade infrastructure to accommodate the marketing and visitation requested. There are no changes to the gallons of wine produced as part of this proposal.

The project also includes a Napa County Road and Streets Standards Exception request to allow an exception

from the requirement to install a left turn lane on Conn Creek Road. In lieu of the left turn lane, the project will instead incorporate shoulder widening along Conn Creek Road, and use of the driveway along Rutherford Road for employee access.

This item was originally scheduled to be heard on January 4, 2016, and April 20, 2016, but was continued as a result of comments received from the public regarding the adequacy of the Negative Declaration. Staff and the applicant worked together to address the comments raised and provided additional information to the record in support of staff's recommendation for approval. The additional information discussed in the Revised Initial Study/Negative Declaration was recirculated for a 30 day public review and comment period on March 18, 2016. Additional public comments were received during the comment period and the item was continued at the April 20, 2016 hearing to today's meeting.

To address public comments received on the Revised Initial Study/Negative Declaration, the applicant submitted additional information on Wednesday June 1, Thursday June 2nd and Friday June 3, 2016. Staff and the applicant are working together to address public concerns and to prepare comprehensive responses to comments received. Staff requests that the item be continued to a date certain and applicant supports staff's request. As of the date of this report, staff and applicant are determining the appropriate date for the continuance. Staff will announce the agreed upon date at the meeting.

#### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

#### **ENVIRONMENTAL IMPACT**

#### **BACKGROUND AND DISCUSSION**

#### **SUPPORTING DOCUMENTS**

None

Napa County Planning Commission: Approve

Reviewed By: Melissa Frost