

Napa County Planning Commission Agenda - Information & Distribution WorkSheet

Agenda Item No: 9B

Date of Agenda Item: 8/19/2015
Originating Dept: Planning, Building and Environmental Services
Report Written by: Wynress Balcher - 707 299-1351
Subject: Girard Winery Use Permit #P14-00053
Agreement:
Special Instructions:

For CEO Use Only

County Executive Officer Recommends:

Consent

Administrative

Set Matter/Public Hearing

Time: _____

For Clerk's Use Only

Motion and Vote:

(a) ____/____ ____ ____ ____ ____ ____ ____ (b) ____/____ ____ ____ ____ ____ ____ ____
 Mo. 2nd Ayes Noes Exec. Abst. Mo. 2nd Ayes Noes Exec. Abst.

Denied Dropped

Continued To _____ 2nd Reading On _____ Resolution # _____

Agreement # _____ Ordinance # _____ Budget Transfer # _____



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/19/2015

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Wyntress Balcher, Planner II - 707 299-1351
SUBJECT: Girard Winery Use Permit #P14-00053

RECOMMENDATION

GIRARD WINERY USE PERMIT #P14-00053-UP

CEQA Status: Consideration and possible adoption of a Revised Negative Declaration. According to the proposed Revised Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit to establish a new winery with an annual production capacity of 200,000 gallons as follows: 1) Construction of new winery building, totaling 32,771 sq. ft. in area to include: 28,955 sq. ft. production area (crush area, fermentation and barrel storage, restrooms); \pm 3,816 sq. ft. of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), maximum building height 33.5 ft. with 15 ft. tall decorative cupolas to 45 ft. In addition a \pm 2,560 sq. ft. covered veranda; and a \pm 2,871 sq. ft. covered work area; 2) Hosted daily tours and tastings for wine trade personnel and consumers by appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday); 3) Hours of operation: 8:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (visitation hours), 7-days a week; 4) Employment of: 11 employees (8 full time; 3 part-time) non harvest; 19 additional employees (12 full time and 7 part time) during harvest, for a total maximum of 30; 5) Employee hours: production, 7:00 AM to 3:00 PM; hospitality/ tasting room, 9:30 AM to 6:30 PM; 6) Construction of twenty-two (22) parking spaces; 7) Installation of landscaping, entry gate and a winery sign; 8) Establish a Marketing Program as follows: a. Four (4) events per year with a maximum of 75 guests; b. Four (4) events per year with a maximum of 200 guests; c. One (1) Harvest event per year with a maximum of 500 guests; d. All food to be catered utilizing a \pm 184 sq. ft. small prep/staging area; 9) On-premises consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill) within the tasting rooms (\pm 2,320 sq. ft.), covered porch (\pm 2,560 sq. ft.), and within a 4,000 sq. ft. portion of the front entry landscaped winery garden; 10) Construct a new 24-ft. wide winery access driveway from Dunaweal Lane to the winery; 11) Construction of additional piping and service connections to the existing Clos Pegase water system on the site, and update the existing Clos Pegase Transient Non-Community Water System

contract to include Girard Winery; 12) Installation of on-site sanitary disposal improvements and installation of connections into the existing on-site winery wastewater processing ponds serving Clos Pegase Winery (APN: 020-150-012); and, 13) Installation of ±45,000 gallon water storage tank (±30 ft. diameter; ±12 ft. height). The project is located on a 26.53 acre parcel on the east side of Dunaweal Lane, approximately 1000 feet south of its intersection with Silverado Trail, within the AP (Agricultural Preserve) Zoning District; 1077 Dunaweal Lane; Calistoga, CA 94515, APN: 020-150-017.

Staff Recommendation: Adopt the Revised Negative Declaration and approve the Use Permit as conditioned.

Staff Contact: Wyntriss Balcher, Planner II, (707) 299-1351 or wyntriss.balcher@countyofnapa.org

Applicant Contact: Pat Roney, 205 Concourse Blvd, Santa Rosa, CA 95403, (877) 289-9463

Representative Contacts: Heather McCollister; 1512 D Street, Napa, CA 94559; bhmccolli@sbcglobal.net and Scott Greenwood-Meinert, 1455 First Street, Napa, CA 94559 (707) 252-7122; scottgm@dpf-law.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Revised Negative Declaration for the Girard Winery based on revised Findings 1-6 of Exhibit A; and
2. Approve Use Permit (P14-00053) based on revised Findings 7-11 of Exhibit A, and subject to the recommended revised Conditions of Approval (Exhibit B).

Discussion:

On December 17, 2014, the Planning Commission held a public hearing to consider Use Permit application #P14-00053 to establish a new 200,000 gallon/year winery which includes the construction of a new winery building totaling 32,771 sq. ft. in area and associated support systems. The item was continued to January 21, 2015, based upon a neighbor's request to allow additional time to review the staff report, associated environmental analysis, and the technical studies.

The Planning Commission resumed the public hearing on January 21, 2015, received testimony and evidence from a neighbor, interested parties and the applicant's representative. Representatives for the neighbor, Ms. Tofanelli, also submitted a letter (Shute, Mihaly & Weinberger, dated January 20, 2015) to the Commission citing various points they considered were inadequately addressed in the CEQA document prepared for the project, specifically: hydrology; water quality; transportation/parking; noise; air quality; visual resources; inconsistency with the WDO and General Plan; weddings and the shared resources. As a result, the item was continued to February 21st to allow time to respond to the issues raised by the Commission and interested parties. Because the issues required the preparation of additional analysis the project be removed from the calendar for re-noticing at a later date.

A comprehensive hydrological study was performed by O'Connor Environmental, Inc. (OEI), a private consulting firm with expertise in hydrology, and additional analysis was prepared by the traffic engineer. As a result, staff has revised the initial study to incorporate this additional information and to address the issues previously raised by the Commission and public. Furthermore, staff revised the proposed findings and conditions of approval, accordingly. Given this new information, staff continues to support approval of this project for the following reasons: 1) the

proposal includes substantial greenhouse gas offset features; 2) the proposal will be incorporated into an existing water/wastewater recycling system, lessening project demand on groundwater resources; 3) County policy concern new winery development, although currently under review, has not changed and no direction to suspend processing of pending applications has occurred; 4) Girard is currently producing wine from Napa Valley fruit in Sonoma County and approval of this facility will return its production to Napa County; 5) the project will be subject to the County's expanded housing impact fees; 6) visitation is within the scope of what has been approved at other similar facilities, and marketing is on the low end; 7) the amount of visitation space is relatively modest in comparison to the amount of production space; and, 8) the project requires no reductions or alternatives to winery zoning standards.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Revised Negative Declaration has been prepared and made available for public review and comment. During the initial environmental document prepared for this project consisted of a proposed Mitigated Negative Declaration, with mitigation proposed to address potential traffic impacts. No other potentially significant impacts were identified in the original document. Comments on the previously prepared Mitigated Negative Declaration were made by the law firm of Shute, Mihaly, & Weinberger, LLP on behalf of Ms. Tofanelli asserting that the Project could have a number of potentially significant impacts on the environment. In response, a revised proposed Negative Declaration has been prepared. The revised document, attached, provides responses and augmented analysis on areas of potential impact raised by the neighbor. As a result of augmented traffic analysis, the project was found not to have a potential to significantly impacts traffic conditions, and thus, the originally proposed traffic mitigation measure has been removed.

BACKGROUND AND DISCUSSION

DISCUSSION POINTS:

Clos Pegase Winery Wastewater System on Subject Property - The Commission requested that staff address the project's General Plan and Winery Definition Ordinance (WDO) consistency as it relates to the existing Clos Pegase Winery wastewater system. If approved, the Girard Winery will be located on a property that already contains the Clos Pegase Winery wastewater system. The Commission questioned whether the General Plan and/or WDO allow for components of more than one winery to be located on the same parcel.

The existing system on the subject property was entitled prior to the adoption of the Winery Definition Ordinance (WDO) as part of a wine production expansion at Clos Pegase approved on May 27, 1987 (U-45-8687). There are several pre-WDO wineries throughout Napa County with similar existing circumstances wherein sewage treatment facilities are located on a different parcel than the main winery facility. There are at least three cases as well where wineries and commercial business share a treatment plant (Mustards, Rutherford, Culinary Institute). However, staff were not able to identify a circumstance where a new winery was permitted on a parcel that already contained the sewage treatment facilities of a different winery. In addition, research into potentially applicable General Plan and WDO policies and requirements provides little in the way of guidance. In as much as there is no expressed prohibition in the General Plan or WDO for what is proposed, there too is no clear regulation enabling such. As

such, staff believe the Planning Commission has broad discretion on considering this proposal which can range from approving the project as proposed to finding that a new winery is not possible on this site as long as the sewage treatment system for Clos Pegase is on the subject parcel.

Clos Pegase Winery is capable of accommodating a new system on its parent parcel. It is unclear what would be gained by approving Girard Winery (in some form) and requiring a new system at Clos Pegase solely on the basis that the Commission determines that sewage for two wineries cannot be shared on one of the winery's parcels. Combining treatment facilities for two wineries utilizes less land than having two separate systems. Additionally, the combined process wastewater systems provide for reuse of wastewater for vineyard irrigation on both parcels. On the other hand, the WDO states: "Wineries are permitted to be located or operated on parcels zoned AP or AW only if the single parcel (emphasis added) which it is located meets the following minimum parcel size:..." (Section 18.104.240). Clos Pegase would not be subject to this single parcel requirement because it was approved prior to the adoption of the WDO. This provision can be interpreted in several ways, but from staff's perspective, it appears the intent was to enable a one winery per legal lot of 10 acres or greater. It seems unlikely that the County intended to allow multiple wineries on one legal lot just as the ordinance more clearly does not allow one winery to span multiple parcels. Although above ground winery sewage facilities count toward the limit on Winery Development Area, sewage treatment facilities arguably are more similar to a utility improvement like water supply or power than they are similar production and accessory space. Parking for a winery is not permitted on an adjoining property, but it is routine that a winery's access road crosses several separate properties before reaching a public road. In absence of a definitive policy, and based on past practices both before and after the adoption of the WDO, staff believe the intent of the "single parcel" WDO language would not preclude the Commission from allowing a new winery on the subject property.

Hydrology - As noted in the above, the applicant retained OEI to conduct a Phase II Water Availability Analysis. The report evaluated: the hydrogeology of the area; long-term groundwater elevation trends; water quality; groundwater recharge; and water balance based on prior basin-level work performed by Luhdorff and Scalmanini (2013). The report (attached) concluded that the total water demand of 8.22 acre-feet/year (af/yr) for the proposed Girard Winery and the existing Clos Pegase Winery properties, represent 24% of the parcel-based mean annual groundwater recharge and approximately .03% of the total recharge to the tuffaceous aquifer up-gradient of the both the Clos Pegase Winery and Girard Winery property.

Given that the mean annual recharge is significantly higher than the proposed demand, it is highly unlikely that the proposed pumping would result in long-term declines in groundwater elevations or depletion of groundwater resources. The expected magnitudes of drawdown associated with the proposed pumping are reasonably small and the spheres of influence associated with pumping at the required rates and durations needed to meet demands do not extend far enough away from the project wells to intersect neighboring wells or the Napa River. The project wells draw water from the tuffaceous rocks of the Sonoma Volcanic rather than from the alluvial aquifer. Further, the report finds that the vertical separation between groundwater elevations in the Sonoma Volcanics and riverbed elevations, the lack of response of the alluvial aquifer to pumping the underlying volcanic aquifer, and the limited extent of the cone of depressions associated with the proposed pumping relative to the separation between the project well and the Napa River all suggest that it is highly unlikely that the proposed pumping could influence baseflow conditions in the Napa River.

The OEI Report was peer reviewed by the Department of Public Works and Public Works staff concurred with the OEI Report findings and conclusions. Substantial evidence in the record indicates that the groundwater table in the area of the project shows a long term stable trend; impacts on neighboring wells or the Napa River are not anticipated and the project is unlikely to cause directional flow changes which would draw chemicals from Calistoga into the area. Public Works staff recommended that the Commission include conditions of approval to require: 1) the permittee to monitor and maintain records of water volumes pumped from the two wells, 2) make the data available to the County upon request, 3) proactively notify the County if water use from the wells exceed 10 acre-ft. (af) in a given year, and 4) include either or both wells into the County's Groundwater Monitoring program if

the County requests that they do so. Staff has modified the proposed conditions of approval to include this recommendation.

The Initial Study for the project was revised to incorporate the information from the OEI Report. In addition, Luhdorff and Scalmanini Consulting Engineers (LSCE) prepared the 2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015. This report states that based on the network of monitored groundwater level in the area, the groundwater levels in the area south of Calistoga are stable, even in context of the current drought. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals), several miles from the subject parcel, and in the Carneros region (mostly salinity). This information was also incorporated into the revised Initial Study.

The Phase II study and the results of the LSCE 2014 Annual Groundwater Monitoring Report confirm that the project would have a less than significant impact on the groundwater supplies, groundwater recharge, water quality, and would not result in the lowering of the local groundwater table level. In addition, the associated water reuse system consisting of the processed winery wastewater from Clos Pegase and proposed Girard Winery, collected rainwater, and captured vineyard runoff waters would lessen groundwater demand from vineyard and landscape irrigation over baseline conditions, in the amount of ± 13.8975 acre-feet/year.

Transportation - Shute, Mihaly, & Weinberger stated that the Transportation Analysis in the original Initial Study/Mitigated Negative Declaration was inadequate for the following reasons: 1) only two intersections were evaluated; 2) proper thresholds of significance for determining impacts on the intersections were not included; 3) mitigation measures were inadequate; 4) trip generation methodology was flawed; 5) traffic from winery events was not evaluated sufficiently; and 6) the study failed to examine the cumulative impacts. The traffic engineer provided supplemental information to address the comments made, and the additional information was incorporated into the revised proposed Negative Declaration (both attached), which are summarized as follows:

1) Issue: Intersection Evaluation

Response: The traffic study area was selected to include the two locations where the project would generate the highest number of vehicle turning movements, which in turn would reflect the locations with the greatest potential transportation impacts. Beyond these two intersections, the added trips would be almost entirely comprised of traffic through movements, which would result in not change to the level of service or volume-to capacity ration of State Highway 29. The Department of Public Works confirmed that the study area is appropriate for the project and consistent with other project reviewed conducted by the County.

2) Issue: Thresholds of Significance

Response: The study was revised to include a 1% threshold, consistent with our general plan EIR, past practice, and in wide use in other communities. A Transportation Demand Management program (TDM) is proposed as part of the project, which will reduce the number of peak hour trips. The trip generations were based upon the County's standard trip generation calculations. The production employees are proposed to cease work at 3:00 PM and the hospitality employees to cease work at 6:30 PM. There are no administrative employees proposed at this facility. With the removal of the eleven employees from the PM peak period (4:00 PM – 6:00 PM), the resultant number would be 16 trips. The traffic consultant states that the added volume of the project is so small as to result in no change to the operation of State Highway 29. Further, a review of the traffic volumes on State Route 29 and added by the project indicates that the number of project-generated trips is 1% or less of existing volumes.

3) Issue: Traffic Mitigation Measure

Response: As a result of incorporating a threshold of significance, as requested by the commenter, the updated

traffic analysis, in concert with previously introduced project commitments, resulted in the project being found not to contribute significantly to potential traffic congestion. Therefore, the level of significance within the update proposed Negative Declaration was change to less-than-significant, and mitigation is no longer necessary.

4) Issue: Trip Generation Methodology; Winery Event Traffic

Response: The traffic consultant states that the anticipated trip generation for a proposed project is typically estimated using standard rates published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, 2012. However, the publication contains no such information for a winery and the County of Napa's Winery Traffic Information/Trip Generation Sheet was used to determine the anticipated traffic that would be generated by the project.

5) Issue: Winery Event Traffic

Response: The American Association of State Highway and Transportation Officials (AASHTO) recommend that designs be based on volumes during the 30th highest hour, to avoid facilities with excessive capacities. The proposed events occur on an infrequent basis (9 times per year), so traffic associated with them falls below the "30th highest hour" level. The trip generation sheet shows a maximum of 142 daily trips during harvest, of which 14 are trucks; 80 are for employees. Further, crush occurs over a six to eight week period, not one or two weeks and each individual winery receives grapes at various times depending on the varietals and the microclimate where they are grown.

6) Issue: Parking-Related Impacts

Response: The initial study was revised to indicate that there would be no potential impact to the parking in the area. General Plan Policy CIR-23 states that new uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The project proposes the construction of 22 parking places (15 visitors, 7 employees) and one loading zone. Based upon estimates of 2.6 visitors/vehicle on weekday (20± vehicles) and 2.8 visitors/vehicle on weekends (22± vehicles) the parking demand per day would be satisfied by the 22 parking spaces. The parking demand generated from nine marketing events (179± vehicles at largest event) will exceed the number of parking spaces available in the parking lot. Additional parking in the paved area at the rear of the winery can be utilized during events (approximately 20,000 sq. ft. at 180 sq.ft/car =±111 cars). No parking will be permitted within the right-of-way of Dunaweal Lane or on the entrance driveway, which is too narrow to accommodate parking. Public Works reviewed the addition analysis information and indicated that more information regarding the shuttle service was needed to determine whether there will be any secondary traffic or parking impacts at the location where visitors will gather to catch the shuttles. The applicant was contacted regarding shuttles, who advised that they do not plan to set up shuttles from an off-site parking lot for the annual harvest event. They may possibly send limousines to pick up guests at local hotels. The open area behind the winery building will provide overflow parking for the event. The parking lot across the street (Clos Pegase Winery) will be available, but no shuttles are proposed.

7) Issue: Cumulative Impacts

Response: The traffic analysis was updated to address the future projected traffic volumes, using the joint Napa County/Solano County 2010-2030 Travel Demand Forecasting Model. The data used included directional segment volumes along State Highway 29 and Silverado Trail for the PM peak hour. Using the 2030 and 2010 model volumes, a growth factor of 1.45 was determined for State Highway 29. This growth factor was applied to turning movements to and from Dunaweal Lane and the remainder of the future increase was added to the volumes for the through movements. The report notes that the projected 78 vehicle trips added to Dunaweal Lane during the PM peak hour would adequately represent increases associated with three new wineries or expansions to existing

along Dunaweal Lane.

Weddings at Neighboring Winery - Shute, Mihaly & Weinberger asserted that the adjacent winery, Clos Pegase, is owned by the project applicant and routinely holds weddings despite the fact that such events are explicitly prohibited. Weddings are not allowed within the Agricultural Preserve zoning district and the applicant has not included weddings as part of this project. A Notice of Violation for weddings at Clos Pegase has been filed, and the property owner complied with the notice and has discontinued weddings.

Parking - Shute, Mihaly & Weinberger identifies a parking problem because the original Initial Study/Mitigated Negative Declaration does not consider whether the amount of parking is adequate to accommodate the maximum number of daily visitors, staff, and trucks serving the winery. County Code does not establish minimum parking spaces for wineries. Because visitation is by-appointment only, operations of the winery and the hospitality activities can be coordinated to reduce potential parking concerns to a level of insignificance.

Noise - Shute, Mihaly & Weinberger asserts that noise analysis is inadequate and that the Initial Study fails to provide information on the environmental setting, other than to state that the nearest residence is located about 400 feet to the south. The "settings section" of the Initial Study identifies the existing operating winery located to the west of the project, the City of Calistoga Dunaweal Wastewater Treatment Plant, located to the southwest of the project site, and residential development on large parcels. Combined with agricultural activities which occur in the area, the ambient noise level would be expected to be higher than the normal conversation noise level of 60 dB. Policy CC-35 of the General Plan states that the noises associated with agriculture, including agricultural processing, are considered an acceptable and necessary part of the community character of Napa County, and are not considered to be undesirable provided that normal and reasonable measures are taken to avoid significantly impacting adjacent uses.

The standard conditions of approval address noise construction and winery equipment to be muffled, construction to comply with the County noise regulations, and prohibits amplified noise. Marketing events are not proposed outdoors and there is not a significantly large gathering area designated for outdoor gatherings. Events are proposed to cease at 6:00 PM, although the standard conditions of approval require evening events to cease at 8:00 PM, including clean up. The Initial Study was revised to include the project proposal to have tastings predominantly within the winery itself and to host the events inside the winery. The noted project proposal and standard conditions of approval for this project reduce potential noise impacts to a level of insignificance.

Air Quality - Shute, Mihaly & Weinberger asserted that the Initial Study - Air Quality analysis failed to analyze the threat to neighboring farms from the dust from project construction. The potential impacts resulting from the creation of dust during construction are not considered significant inasmuch as the standard conditions placed on the project include relevant best management practices identified by the Bay Area Air Quality Management District and the County's standard condition of approval on dust control measures as a matter of standard operating procedures.

Aesthetics - Shute, Mihaly & Weinberger asserted that the Initial Study - Visual Resources analysis is inadequate because project construction and operation will require the installation of additional lighting that will dramatically alter the visual character of the site and further erode dark skies in the area. Nighttime lighting is addressed by implementation of the standard conditions placed on the project which require fixtures to direct the lighting downward, use of motion detection sensors, use of timers, and low level lighting, reducing the potential impact from lighting to a less than significant level.

The level of degradation of the scenic views by the winery building is also claimed to be inadequately analyzed in addition to failure to establish a threshold to determine the level of significance. Furthermore, a letter was received stating that the project violated the County's Viewshed Ordinance. Napa County Code Section 18.106.030, provides that "The ordinance codified in this section (The Viewshed Ordinance) shall apply to all new structures located on

slopes of fifteen percent or more or located on a minor or major ridgeline". Since the project is located on slopes less than fifteen percent and is not located on a minor or major ridgeline, the County's Viewshed Ordinance provisions does not apply.

Elevation drawings were provided as part of the application, providing information regarding the proposed structure, its architectural details and materials. The Winery Definition Ordinance states that the one of the basis for requiring new wineries to have larger minimum parcel size (10 acres) is that the increased parcel size will reduce densities and thereby lessen local visual impacts. In addition, the Winery Definition Ordinance included a minimum setback for wineries located on parcel contiguous to any public road or private road used by the public in the amount of 300 feet. As proposed, the winery will be located 600 feet from the centerline of Dunaweal Lane, in the center of the ±26.53 acre parcel. As stated in the Initial Study, the 35-ft tall building (plus two 45ft cupolas) would not obstruct the hills and mountain vistas, but will settle with the hills as backdrops. The original simulated photos did not copy well and new simulated images of the proposed winery are included with this staff report. Policy AG/LU-10 of the General Plan states that "New wineries and other agricultural processing facilities, as well as, expansions of existing wineries and facilities in agricultural areas should be designed to convey their permanence and attractiveness." The proposed winery structure is consistent with this policy, proposing stone, wood and concrete textures in neutral earth tones, architectural details and landscaped entry garden.

Code Compliance History - There are no open or pending code violations for the subject site. However, due to same ownership, Clos Pegase Winery has been associated with the proposed winery. There is an active code case regarding activities at Clos Pegase winery. The code complaint indicated that weddings were held at the winery and were not allowed. Attached is the Notice of Violation. In response to this Notice of Violation, the owner has agreed to no longer hold any weddings at the winery. The code case is still active and until the investigation is complete, no other information is available.

Accessory Ratio Compliance - Staff was requested by the Planning Commission to conduct an accessory / production ratio evaluation that includes outdoor visitation areas as well as enclosed visitation areas. The project includes an entry garden and covered veranda at the entrance to the hospitality area of the winery. Graphics (attached) include elevations of the proposed seating on the covered veranda. The proposed plans indicate that the production uses (barrel storage and tank area) are 28,955 sq. ft. with a 2,781 sq. ft. covered work area. The hospitality area (tasting room and office) is 3,816 sq. ft., plus the 2,628 sq. ft. covered veranda. The ±4,000 sq. ft. of paths in the 13,360 sq. ft. landscaped garden would also be available to the public. Although the uses of these outdoor areas vary greatly in purpose and intensity, even with inclusion of all outdoor spaces, the overall accessory / production ratio would be 33%, which is substantially below the 40% maximum permitted by regulations.

DECISION MAKING OPTIONS:

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approvals as described in Option 1 below. Decision making options also include a reduced development alternative and denial of the project.

Option 1 – Approve Applicant's Proposal

Disposition – This option would result in the development of a new 200,000 gallons per year winery approximately 32,771 sq.ft. in size, including a covered veranda (2,560 sq.ft.) and a covered work area (2,871 sq.ft.), a visitation and marketing program, employees, and other attributes associated with development of a winery.

Action Required – Follow proposed action listed in the Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 – Reduced Project Alternative

Disposition – This option would result in a decrease in the overall winery size which could include (but not limited to): decrease in the production, visitation and marketing program, and/or size of proposed facility. It should be noted that the Applicant has further demonstrated through additional analysis with respect to water and traffic that the subject parcel could accommodate the proposal, subject to project conditions. However, there is an ongoing policy discussion that is before the Agricultural Protection Advisory Committee and Planning Commission, which will be elevated to the Board of Supervisors before the end of the year, concerning the appropriate scope for additional winery development.

Action Required- Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

Option 3 – Deny Proposed Modification

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed use permit modification is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 4 –Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Exhibit A Draft Findings
- B . Exhibit B Draft Conditions of Approval
- C . Previous Staff Report - December 2014
- D . Previous Staff Report - January 2015
- E . Previous Staff Report February 2015
- F . Clos Pegase Enforcement status
- G . Revised Initial Study/Proposed Negative Declaration
- H . CEQA-Hydrology
- I . CEQA-Transportation
- J . CEQA-Wastewater
- K . CEQA - Biology
- L . CEQA - Environmental Sensitivity Maps
- M . Tribal Comments

- N . Applicant Response to Neighbor Comment
- O . Neighbor Comments
- P . Public Comments Received
- Q . Winery Comparison Chart
- R . Graphics - includes simulation
- S . Correspondence Received After Packet Mailout (Added after meeting)
- T . Correspondence Received After Packet Mailout (Added after meeting)
- U . Correspondence Received After Packet Mail Out (Added after meeting)
- V . Correspondence Received After Packet Mail Out (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina