

“D”

Applicant Resubmittal Materials

# SUMMERS



February 3, 2016.

Emily Hedge, Planner II  
Department of Planning, Building & Environmental Services  
County of Napa  
1195 Third Street, Suite 210  
Napa, California 94559

Re: Planning Commission Follow Up Summers Winery  
Major Modification #P14-00232. 1171 Tubbs Lane, Calistoga APN 017-160-015

Dear Mrs. Hedge:

This letter is in response to the questions in your January 22, 2016 email. We very much appreciate the staff support of our tasting room conversion and renovation, production and visitor increase. While we are understandably disappointed in the conclusion of the planning commission regarding winery setback and variance, we have modified our proposal to eliminate the need for a variance as directed and as presented to you and Ms. Gallina prior to the January 20<sup>th</sup> meeting. As indicated on the attached plans, the fermentation tanks required to accommodate the requested production will be located on a covered pad area attached to the winery building. Locating the tanks there will reduce coverage from our original submittal, pose no visual impacts to Tubbs Lane travelers and require less vineyard removal. We have updated page 12 to reflect this modification.

## Visitation

The proposed visitation levels of 20 visitors/day are well below the levels approved by the county for wineries of similar production size. That said, that visitation level together with the previously approved marketing plan is acceptable to us. All technical studies have been prepared for these levels and have been approved by county staff. In response to concerns raised by the Commission, though we have approval for 20 parking spaces, we propose to retain the existing 14 parking spaces of which five (5) will be designated for visitors with the remainder for employees and events. We will also remove some of the tables on the outdoor patio. Our accessory use to production area ratio, even if the outdoor patio area was included is well below the county 40% maximum limit. We respectfully request permission to utilize the outdoor patio and trellis as part of daily wine tasting. We know of no other case where such use has been prohibited by the commission. We are committed to operate the winery in strict compliance with the approved permit and pledge that we will not exceed the approved visitation levels. To prohibit our guests the opportunity to taste wine on the pre-existing patio area puts us at a competitive disadvantage that other wineries enjoy. As we noted on January 20<sup>th</sup>, we met with our neighbors at an open house in September 2015. No one who attended that

meeting objected to our project as then proposed, including use of the outdoor patio area. We have previously provided you and the commission with letters of support for our project.

### **Construction Schedule**

We are eager to return our winery to full compliance. And we deeply regret that we converted the residence to a tasting room without county approval. As Director Morrison mentioned on January 20<sup>th</sup> the current tasting room was recently inspected by county staff. That inspection revealed no significant health and safety concerns. However, staff did have some safety concerns with the stacking of wine barrels in the winery. We intend to address both these issues expeditiously. A schedule for compliance is set forth below:

#### Barrel Room

- 2/17/16—plans and permits submitted for plan review
- 5/1/16—permits issued
- 8/1/16—construction completed

It should be noted that since the recent site inspection, we have adjusted the barrels for the requested clearance required by the inspector.

#### Tasting Room Compliance/New Tank Pad

- 2/17/16—Commission approval
- 6/1/16—plans and permits submitted
- 12/1/16—permits issued
- 6/1/16—tasting room conversion and tank pad completed;
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While the target date for initial submittal of plans and permits is under our control, county review depends greatly on staffing levels and workload. Timelines for responding to county comments depends on the scope and workload of the project team. While initial building department comments are sent approximately 21 days after submittal, comments from the additional reviewing agencies often trail behind. You have our commitment to diligently respond to all comments.

We would like to continue to use the current tasting room until construction begins in December 2016. Once renovation begins on the (former) residence we would use the previously approved tasting room within the winery for daily tastings. Once final occupancy is granted in Spring 2017, we would convert the previously approved tasting room to storage and resume use of the converted residence as our tasting room. As Director Morrison mentioned on January 20<sup>th</sup> the current tasting room was recently inspected by county staff. That inspection revealed no significant health and safety concerns.

## Replacement Dwelling

While we have no plans to replace the existing residence at this time, we wish to preserve the right to do so in the future.

We regret our past mistakes and assure the Commission that we will fully comply with the final conditions of approval. As you know we filed the necessary applications and documents voluntarily and upon notification by county staff that the winery was out of compliance. In fact it was we who alerted our then project planner that the approved tasting room had been relocated to the (former) residence. Since filing our initial permit application, we have been audited, had several site visits with county staff, and diligently answered all requests for information. We have followed the county's compliance protocols as we were informed they existed at the time we met with staff in 2013. Despite the numerous site visits, correspondence exchanged and the county's audit, we were never advised to cease use of our current tasting room. Had we been advised to do so, we certainly would have complied.

We hope that you and the commission will take our diligent pursuit of compliance into account and allow us to utilize the existing patio and outdoor area as other wineries are permitted to do.

We very much appreciate all of your efforts to guide us through the permitting process. We look forward to a final resolution of our project and the outstanding compliance issues on February 20, 2016.

Thank you very much.

  
Jim and Beth Summers

Enclosures

CC: Napa County Planning Commissioners  
Charlene Gallina, Supervising Planner  
Clients  
Bruce Fenton, RSA+

## Winery Coverage and Accessory/Production Ratio

**Winery Development Area.** Consistent with the definition at "a.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing	_____	7,972 sq. ft.	_____	0.18 acres
Proposed	_____	11,531 sq. ft.	_____	0.26 acres

**Winery Coverage.** Consistent with the definition at "b.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

_____	39,857 sq. ft.	_____	0.91 acres	_____	3.6 % of parcel
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**Production Facility.** Consistent with the definition at "c.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing	_____	6,523 sq. ft.	Proposed	_____	8,547 sq. ft.
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**Accessory Use.** Consistent with the definition at "d.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing	_____	534 sq. ft.	_____	8 % of production facility
Proposed	_____	2,300 sq. ft.	_____	27 % of production facility

## Caves and Crushpads

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

- None – no visitors/tours/events (Class I)
  Guided Tours Only (Class II)
  Public Access (Class III)
   
 Marketing Events and/or Temporary Events (Class III)

### Please identify the winery's...

Cave area	Existing: _____	sq. ft.	Proposed: _____	sq. ft.
Covered crush pad area	Existing: _____	1,850 sq. ft.	Proposed: _____	1,850 sq. ft.
Uncovered crush pad area	Existing: _____	sq. ft.	Proposed: _____	sq. ft.



**WELCOME TO  
SUMMERS ESTATE  
OPEN DAILY  
10:00 - 5:00  
BY APPOINTMENT  
- NO PICNICS PLEASE -**



**SUMMERS  
ESTATE WINES**

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TASTINGS  
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APPOINTMENT  
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