



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/7/2014
Agenda Placement: 9J
Set Time: 9:35 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Susan Ingalls for Minh Tran - County Counsel
County Counsel

REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252

SUBJECT: Resolution and Findings of Fact Scruby Appeal/Cosentino Winery

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal regarding the appeal filed by Giovanna and John Scruby to a decision by the Planning Commission on September 4, 2013, to approve a modification to Cosentino Winery's Use Permit (No. P13-00058) to: 1) modify the landscape and construct a 2,754 square foot patio with landscape improvements including a water feature, a fireplace, a sound wall, and seating, adjacent to the east side of the winery; 2) replace the winery sign with a like sized sign; 3) resurface and re-stripe the existing parking lot and sidewalk; 4) recognize two additional parking spaces (to include two ADA spaces) for a total of 29 spaces; 5) replace vines and turf in the front setback with water efficient landscaping; and 6) allow on-site consumption of wine in accordance with AB2004. The 4.29 acre project site is located on the west side of State Highway 29, 0.23 miles south of its intersection with Yount Mill Road within the Agricultural Preserve (AP) Zoning District at 7415 St. Helena Hwy., Napa (APN: 027-540-013).

EXECUTIVE SUMMARY

At the appeal hearing on December 10, 2013, the Board heard and considered all evidence presented relating to the Appeal, including the administrative record, testimony and documentation of County staff, testimony and documentation submitted on behalf of Applicant and Appellant, and all oral and written testimony presented during the hearing, including the compromise reached between the Applicant and Appellants. Thereafter, the Board closed the public hearing and having duly considered the administrative record, and the compromise reached between the Applicant and Appellants, adopted a motion of intent to: (1) accept the compromise reached between the Appellants and Applicant; (2) modify the conditions of approval adopted by the Planning Commission for Use Permit No. P13-00058; and (3) uphold the Planning Commission's approval of Use Permit No. P13-00058 subject to the revised conditions of approval.

PROCEDURAL REQUIREMENTS:

1. Staff reports.
2. Chairman invites interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on findings.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Categorical Exemption Pursuant to Class 1, Class 3 and Class 4: It has been determined that the Project is Categorically Exempt from the provisions of CEQA pursuant to Section 15301 [See Class 1 ("Existing Facilities")]; Section 15303 [See Class 3 ("New Construction or Conversion of Small Structures")]; and Section 15304 [See Class 4 ("Minor Alterations to Land")], which may be found in the guidelines for the implementation of the California Environmental Quality Act and see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B. The Project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

On September 4, 2013, after considering all written and verbal evidence presented at the public hearing, the Planning Commission voted unanimously to find the project Categorical Exempt from CEQA and approve the Project as requested by the Applicant.

On September 17, 2013, subsequent to the Planning Commission's final decision, and within the prescribed 10-day period for appeal, an appeal was filed by Appellant.

At the appeal hearing on December 10, 2013, the Board heard and considered all evidence presented relating to the Appeal, including the administrative record, testimony and documentation of County staff, testimony and documentation submitted on behalf of Applicant and Appellant, and all oral and written testimony presented during the hearing, including the compromise reached between the Applicant and Appellants. Thereafter, the Board closed the public hearing and having duly considered the administrative record, and the compromise reached between the Applicant and Appellants, adopted a motion of intent to: (1) accept the compromise reached between the Appellants and Applicant; (2) modify the conditions of approval adopted by the Planning Commission for Use Permit No. P13-00058; and (3) uphold the Planning Commission's approval of Use Permit No. P13-00058 subject to the revised conditions of approval.

The proposed resolution reflects the Board's intent as expressed on December 10, 2013. The resolution has been reviewed by counsel for the Applicant and Appellants and found acceptable by both parties.

SUPPORTING DOCUMENTS

A . Resolution of Findings of Fact and Decision on Appeal

CEO Recommendation: Approve

Reviewed By: Helene Franchi