



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/21/2014

Agenda Placement: 9D

Set Time: 11:00 AM PUBLIC HEARING

Estimated Report Time: 1 Hour

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: SHAVETA SHARMA, PLANNER III - 707-299-1358

SUBJECT: Castellucci Family Winery Appeal

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Scott Greenwood-Meinart, Attorney for Paul Pelosi, to a decision by the Planning Commission on May 21, 2014, to approve the Castellucci Family Winery application for a use permit (P13-00140) to establish a new winery with a new 30,000 gallon per year winery as follows: 1) construction of new winery buildings totaling 12,376 square feet, including a covered crush pad, barrel storage, hospitality and tasting room, and office space; 2) construction of a Transient Non-Community Water System (a water system to serve the winery, visitors, and employees); 3) construction of 10 parking spaces; 4) construction of a left-turn lane on Zinfandel Lane; 5) tours and tastings by appointment only on a daily basis up to a maximum of 50 visitors per day and a maximum of 300 per week; 6) private promotional tastings with meals up to seven (formerly 12) per year with a maximum of 25 guests; marketing events up to three per year with a maximum of 60 guests; marketing events up to two per year with a maximum of 125 guests; harvest events up to two per year with a maximum of 50 guests; 7) 10 or fewer employees; 8) request for on premise consumption of wines produced on site within the hospitality building in accordance with AB 2004; 9) a Variance to encroach approximately 460 feet into the required 600 foot setback from Silverado Trail; and 10) a Variance to encroach approximately 196 feet into the required 600 foot setback from Zinfandel Lane. The 19.30 acre project parcel is located at the northwest corner of Silverado Trail and Zinfandel Lane, within the AP (Agricultural Preserve) zoning district. APN: 025-160-006. 3 Zinfandel Lane, St. Helena, Calif.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, if mitigation measures are not included, the proposed project would have any potentially significant effects in the following area(s): Traffic and Transportation. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

(CONTINUED FROM SEPTEMBER 9, 2014)

EXECUTIVE SUMMARY

The project involves an appeal of the Planning Commission's approval of the Castellucci Family Winery ("Applicant") use permit for a new winery (P13-0014) with an annual production capacity of 30,000 gallons on the northwest corner of Silverado Trail and Zinfandel Lane (the "Winery"). The Winery project also includes construction of new winery buildings totaling 12,376 square feet, including a covered crush pad, barrel storage, hospitality and tasting room, and office space; construction of a left-turn lane on Zinfandel Lane; tours and tastings by appointment only on a daily basis up to a maximum of 50 visitors per day and a maximum of 300 per week; private promotional tastings with meals up to seven per year with a maximum of 25 guests; marketing events up to three per year with a maximum of 60 guests; marketing events up to two per year with a maximum of 125 guests; harvest events up to two per year with a maximum of 50 guests; 10 or fewer employees; on premise consumption of wines produced on site within the hospitality building in accordance with AB 2004; and a variance to encroach approximately 460 feet from the required 600 foot setback from Silverado Trail. The 19.30 acre project parcel is located at the northwest corner of Silverado Trail and Zinfandel Lane, within the AP (Agricultural Preserve) zoning district. 3 Zinfandel Lane, St. Helena, CA, APN: 025-160-006.

On June 5, 2014, and within the prescribed period, a Notice of Intent to Appeal was filed by Scott Greenwood-Meinart, Attorney for Paul Pelosi ("Appellant"). On June 19, 2014, an Appeal Packet was timely submitted by Appellant. Subsequent to filing the appeal, Appellant and Applicant reached an agreement on proposed modifications to the approved use permit, to address the Winery project's potential traffic and safety impacts. Consequently, the Applicant and Appellant request that the Board modify the Planning Commission's approval of the Winery project to: 1) Approve a new Variance to reduce the setback from Zinfandel Lane for the Winery building from 600 feet to 404 feet; and 2) Reduce the 25 persons marketing events from 12 to seven. Both the Appellant and Applicant have agreed to the proposed revisions to the project and their letters are attached.

Because the modifications proposed by Appellant and Applicant were not previously analyzed or disclosed in the Negative Declaration prepared and adopted by the Planning Commission and notice of the modifications had not been provided to the public, on September 9, 2014 the Board determined that good cause existed to hear the appeal de novo. To allow sufficient time for staff to prepare a revised CEQA analysis for public comment, provide public notice of the proposed modifications including the new variance request, and complete the staff report, the Board continued the matter to October 21, 2014 at 11:00 a.m.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and requests staff report presentation.
2. Chair opens public hearing, requests testimony from appellant followed by the applicant and any other interested parties.
3. After the Board has heard testimony and received evidence from the appellant, staff and interested parties supporting each, Chairman closes the public hearing.
4. A motion of intent is made and seconded to either deny or uphold the appeal and refer the matter to County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.
5. Chairman calls for the vote on the motion of intent to either deny or uphold the appeal and refer the matter to the County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, if mitigation measures are not included, the proposed project would not have any potentially significant effects in the following area(s): Traffic and Transportation.. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

The matter before the Board is an appeal of the Planning Commission's decision to approve a use permit establishing a new 30,000 gallon per year winery within approximately 12,376 square feet of buildings, accessory uses, on-site consumption of wines produced on-site, a marketing plan, tours and tastings by appointment only, a left-turn lane on Zinfandel Lane, construction of a Transient Non-Community Water System (a water system to serve the winery, visitors, and employees), landscaping and driveway improvements. The project is located on a 19.30 acre parcel at the northwest corner of Silverado Trail and Zinfandel Lane, within the AP (Agricultural Preserve) zoning district. This item was continued from the September 9, 2014 Board hearing in order to hear the appeal de novo.

The Commission's hearings occurred on April 16, 2014; May 7, 2014; and May 21, 2014. After considering all written and verbal evidence presented, the Planning Commission closed the public hearing and voted 5:0 to adopt the Negative Declaration and to approve the Castellucci Family Winery Use Permit No. P13-00140. On June 5, 2014, and within the prescribed period, a Notice of Intent to Appeal was filed by Appellant. On June 19, 2014, an Appeal Packet was timely submitted by Appellant.

Subsequent to filing the appeal, Appellant and Applicant reached an agreement on proposed modifications to the approved use permit to address the Winery project's potential traffic and safety impacts. The Applicant and Appellant request that the Board modify the Planning Commission's approval of the Winery to: 1) Approve a new Variance to reduce the setback for the Winery building on Zinfandel Lane from 600 feet to 404 feet; and 2) Reduce the 25 persons marketing events from 12 to seven.

Because the modifications proposed by Appellant and Applicant were not previously analyzed or disclosed in the Negative Declaration prepared and adopted by the Planning Commission and notice of the modifications had not been provided to the public, on September 9, 2014 the Board determined that good cause existed to hear the appeal de novo. To allow sufficient time for staff to prepare a revised CEQA analysis for public comment, provide public notice of the proposed modifications including the new variance request, and complete the staff report, the Board continued the matter to October 21, 2014.

In response to the traffic and safety issues raised by Appellant and to analyze the impacts resulting from the new Variance on Zinfandel Lane, staff prepared a Mitigated Negative Declaration (MND). The MND was circulated for public comment from September 30, 2014 to October 20, 2014. No written comments have been received by staff on the MND as of the date this report was prepared.

STATED BASIS FOR THE APPEAL AND STAFF RESPONSE

A brief summary of Appellant's ground of appeal is provided below with Staff's response. This is a summary only and Staff recommends that the Board review the actual appeal, the Planning Commission staff report, and the balance of the administrative record for more detail.

Ground of Appeal: Appellant contends that the Winery will have a negative impact on traffic and safety. In particular, Appellant asserts that the increased traffic will create unsafe conditions and that the Negative Declaration makes no mention of the safety concerns of the reduced left turn lane taper, the historic bridge, and the speed with which

cars go across Zinfandel Lane. Instead the Negative Declaration is limited to issues regarding traffic volume with no mention of safety to neighbors, drivers or others who may be on the road. Appellant also requests that the Board consider reducing the speed on Zinfandel Lane to 35 miles per hour.

Staff Response:

Since the filing of the appeal, Appellant and Applicant have reached an agreement on proposed modifications to the Winery to address the Appellant's concerns. The Applicant has modified the project to decrease the number of 25 person marketing events from 12 annually to seven annually. Additionally, the Applicant seeks a new variance to encroach approximately 196 feet into the required 600 foot setback from Zinfandel Lane. This is in addition to the variance to encroach approximately 480 feet into the required 600 foot setback from Silverado Trail that was approved by the Planning Commission. The new variance would place the winery building 404 feet from Zinfandel Lane. The applicant provided a Traffic Study, prepared by Crane Transportation Group, dated February 22, 2014, as well as an addendum to the traffic study addressing safety concerns raised by the Appellant dated, May 12, 2014. Both studies were reviewed by Planning and Public Works staff and concluded that the construction of the left turn on Zinfandel Lane and additional traffic generated would not create any safety impacts. The reduction in 25 person marketing events will further reduce the trips generated by the project. The Traffic and Transportation section was supplemented with three mitigation measures, similar in nature to other wineries on Zinfandel Lane, to ensure there are no cumulative traffic impacts on Silverado Trail and Zinfandel Lane. These recommendations are discussed in more detail in the MND, attached to this report.

Although it is possible to construct a winery on this parcel without a variance from Zinfandel Lane, as demonstrated by the Planning Commission's decision on the Project, if the Board desires to do so, it could find that this revised proposal qualifies for a Variance from Zinfandel Lane. The requirement for the 600 foot setback from major arterials and highways is primarily intended to preserve the agricultural character of agricultural lands where wineries are permitted. The setback is intended to prevent wineries from resembling commercial uses and creating a wall of commercial uses that would be readily visible from major roads. Although it is difficult to say that the Applicant faces a true hardship in meeting the required setback, it is equally difficult to conclude that moving the Winery approximately 200 feet closer to Zinfandel Lane will discernably result in affecting the agricultural character of Zinfandel Lane. This is due to the fact that the entire western border of the subject property adjoins the Napa River riparian corridor which is heavily wooded, and thus limits visibility into the site from Zinfandel Lane from all points west of the site. Consequently, a Variance on this parcel would not create a significant visual impact on Zinfandel Lane.

The winery will be visible from Silverado Trail, regardless of its location, but is required to be screened from off-site residences and public views. To further improve views created by the new Variance, staff recommends that the landscaping plan be expanded, to further soften the view from that portion of Zinfandel Lane where the Project is highly visible. Screening trees would further support a finding that grant of this Variance does not represent a special privilege, given that the planting of trees would further reduce the visibility of the winery from both major roadways.

Staff recommends that the Project be approved, as revised, as it strikes an appropriate balance between the interests of the Applicant in siting a new winery and those of the public in maintaining the agricultural landscape along County roads. Findings in support of this additional Variance are attached in Exhibit A.

SUPPORTING DOCUMENTS

A . Exhibit A- Findings

B . Exhibit B-Conditions of Approval

- C . Draft Mitigated Negative Declaration
- D . Planning Commission Staff Report
- E . Correspondence from Appellant
- F . Correspondence from Applicant
- G . Public Comments
- H . Application
- I . Graphics

CEO Recommendation: Approve

Reviewed By: Molly Rattigan