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Agenda Date: 12/2/2014
Agenda Placement: 9F
Set Time: 11:30 AM
Estimated Report Time: 10 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Laura Anderson for Minh Tran - County Counsel
County Counsel
REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252
SUBJECT: Findings of Fact - Castellucci Family Winery Appeal

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal regarding the appeal filed by Scott Greenwood-Meinert, 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 210 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 at 3 Zinfandel Lane, St. Helena, CA. (APN: 025-160-006).

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 NOVEMBER 25, 2014)

EXECUTIVE SUMMARY

At the appeal hearing on October 21, 2014, the Board heard and considered all evidence presented relating to the appeal, including the administrative record, all oral and written testimony and documentation presented including the compromise reached between Applicant and Appellant. Thereafter, the Board closed the public hearing and adopted a motion of intent to: (1) accept the compromise reached between the Applicant and Appellant; (2) modify the findings adopted by the Planning Commission for Use Permit No. P13-00140 and Variance No. P14-00074 to include a new variance to reduce the setback for the Winery building on Zinfandel Lane from 600 feet to 404 feet; (3) modify the conditions of approval adopted by the Planning Commission; and (4) uphold the Planning Commission's approval of the Winery subject to the revised Conditions of Approval.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and requests staff report presentation.
2. Chairman invites interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on the findings.

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

On May 21, 2014, the Planning Commission voted unanimously 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 requested 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.

On October 21, 2014, at the appeal hearing, the Board heard and considered all evidence presented relating to the appeal including the compromise reached between Appellant and Applicant. Thereafter, the Board closed the public hearing and having duly considered the administrative record, and the compromise reached, adopted a motion of intent to: (1) accept the compromise reached between the Applicant and Appellant; (2) modify the findings adopted by the Planning Commission for Use Permit No. P13-00140 and Variance No. P14-00074 to include a new variance to reduce the setback for the Winery building on Zinfandel Lane from 600 feet to 404 feet; (3) modify the conditions of approval adopted by the Planning Commission; and (4) uphold the Planning Commission's approval of the Winery subject to the revised Conditions of Approval.

The proposed resolution reflects the Board's intent as expressed on October 21, 2014. The resolution has been reviewed by counsel for the Applicant and Appellant and found acceptable by both parties. On November 25, 2014, the Board continued this item to December 2, 2014 so that the staff could refine and further clarify some of the conditions of approval. The revisions to the resolution and the conditions of approval are shown as tracked changes.

SUPPORTING DOCUMENTS

- A . Resolution of Findings-Redline Version
- B . Resolution of Findings-Final

CEO Recommendation: Approve

Reviewed By: Helene Franchi