



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/5/2017
Agenda Placement: 9D
Set Time: 9:25 AM PUBLIC HEARING
Estimated Report Time: 10 minutes
Continued From: 8/1/2017; 8/29/17

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - County Counsel
Planning, Building and Environmental Services
REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252
SUBJECT: Napa Custom Crush LLC/The Caves at Soda Canyon Appeal Hearing

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Steven Stull to a decision made by the Napa County Planning Commission (Planning Commission) on April 19, 2017 to approve the **Napa Custom Crush LLC/The Caves at Soda Canyon Use Permit Major Modification No. P16-00106** filed by Ryan Waugh.

The Planning Commission's approval of Napa Custom Crush LLC/The Caves at Soda Canyon allows the following: (1) an increase in annual production from 30,000 to 60,000 gallons; (2) construction of an approximately 2,400 sq. ft. cover over an existing outdoor paved area; (3) use of an existing private patio terrace (no construction) for daily tastings, marketing activities, and on-site consumption; (4) removal of internal cave wall to open access from the fourth portal to the patio terrace (wall installed under B15-01427 according to action by the Planning Commission); (5) conversion of approximately 400 sq. ft. of approved cave area to a kitchen (for the storage of refrigerated food and plating of food prepared off site by caterers); (6) a change in the hours of operation for production activities from the existing hours of 8AM – 6PM to proposed hours of 7AM – 6PM; (7) on-premises consumption of wine in the tasting room and on the areas in front of portal 2, the patio terrace, and the two outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; and (8) installation of a wastewater system and discontinued use of hold and haul. The project also includes an exception to the Napa County Road and Street Standards for improvements to the existing road. The project is within the Agriculture, Watershed and Open Space General Plan land use designation and within the Agricultural Watershed zoning district located on a 41.35 acre site approximately 2,200 feet west of Soda Canyon Road; approximately 4.0 miles north of the Silverado Trail/Soda Canyon Road intersection at 2275 Soda Canyon Road, Napa, California, APN 039-640-013.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of an Addendum to the previously adopted 2006 Subsequent Mitigated Negative Declaration prepared for the Napa Custom Crush/Waugh Winery. Pursuant to CEQA Guidelines Section 15164 an addendum to an adopted mitigated negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not

on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

(CONTINUED FROM AUGUST 1 AND AUGUST 29, 2017; APPLICANT, APPELLANT AND STAFF REQUEST A CONTINUANCE TO JANUARY 23, 2018 AT 10:00 A.M.)

EXECUTIVE SUMMARY

The matter before the Board involves a neighbor's appeal of the Planning Commission's decision on April 19, 2017, to approve an application submitted by Ryan Waugh (Applicant) for a major modification to the existing use permit to allow an increase in production from 30,000 to 60,000 gallons, construction of a cover over an existing outdoor area, use of a patio for tastings and marketing activities, removal of an internal cave wall to open access to a patio terrace, a change in the production hours of operation, installation of a wastewater system, and related improvements to the Napa Custom Crush LLC/The Caves at Soda Canyon Winery (the Project or Caves Winery) located west of Soda Canyon Road, approximately 4 miles north of its intersection with the Silverado Trail.

Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88) a public hearing on the appeal must be scheduled not less than fifteen days nor more than ninety calendar days from submittal of an appeal. To accommodate all parties' schedules, on August 1, 2017 the Chair opened and continued the hearing (with the consent of all parties) to August 29, 2017. No testimony was taken on August 1st. On August 29, 2017, the Board continued the hearing to December 5, 2017, at Applicant's and staff's request so that Applicant could submit additional information regarding the generator. Appellant supported the continuance. No testimony was taken on August 29th. Applicant and Appellant have been meeting in an effort to explore whether they can mutually agree to resolve the appeal and all parties request that the hearing be continued to January 23, at 10:00 a.m.

PROCEDURAL REQUIREMENTS

1. Chair introduces item.
2. Motion by a Board Member, and seconded by another Board Member to continue the hearing to January 23, 2018, at 10:00 a.m.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of an Addendum to the previously adopted 2006 Subsequent Mitigated Negative Declaration prepared for the Napa Custom Crush/Waugh Winery. Pursuant to CEQA Guidelines Section 15164 an addendum to an adopted mitigated negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

All documents associated with the Caves Winery including, but not limited to, the application materials, Addendum, Subsequent Mitigated Negative Declaration, Planning Commission Staff report, comments and correspondence, transcripts of the Planning Commission meeting, the appeal and the supplemental materials submitted by Appellant and Applicant can be accessed at:

<http://www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294985975> .

This matter involves an appeal of the Planning Commission's approval to allow an increase in the Winery's production from 30,000 to 60,000 gallons, construction of a cover over an existing outdoor area, use of an outdoor patio and terrace for tastings and marketing activities, removal of an internal cave wall to open access to a patio terrace, a change in production hours, and related improvements at an existing winery located in Soda Canyon Road.

On May 15, 2017, a timely appeal packet was filed by Steven Stull (Appellant) to the Planning Commission's decision to approve the Project. The appeal can be reviewed online at: <http://www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294985975>. Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88) a public hearing on the appeal must be scheduled not less than fifteen days nor more than ninety calendar days from submittal of an appeal. To accommodate all parties' schedules, on August 1, 2017 the Chair opened and continued the hearing (with the consent of all parties) to August 29, 2017. No testimony was taken on August 1st. On August 29, 2017, the Board continued the hearing to December 5, 2017, at Applicant's and staff's request so that Applicant could submit additional information regarding the generator. Appellant supported the continuance. No testimony was taken on August 29th. Applicant and Appellant have been meeting in an effort to explore whether they can mutually resolve the appeal and all parties including staff request that the hearing be continued to January 23, 2018 at 10:00 a.m.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi