



Agenda Date: 4/1/2008
Agenda Placement: 9E
Set Time: 9:30 AM
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Paul for Westmeyer, Robert - County Counsel
County Counsel
REPORT BY: Robert Paul, ATTORNEY IV - 253-6113
SUBJECT: Resolution of Findings of Fact and Decision on Appeal - V. Sattui Winery

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Lucio Perez (Appellant) to the decision by the Conservation, Development and Planning Commission on November 7, 2007, to approve Use Permit Modification No.P05-0184 to the V. Sattui Winery Use Permit to: (1) expand marketing activities; (2) legalize certain existing events and activities; and (3) expand parking facilities and make certain circulation improvements. The property is located at the southeast corner of State Route 29 and White Lane within Commercial Limited (CL), Agricultural Watershed (AW), and Agricultural Preserve (AP) Zoning Districts. (Assessor's Parcel No. 030-020-029 & 030-260-035, 1111 White Lane, St. Helena).

ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: land use planning and transportation/traffic. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

EXECUTIVE SUMMARY

At the appeal hearing of February 5, 2008, the Board heard and considered evidence submitted from the Appellant, Sattui and its representatives, Staff, and members of the public regarding the appeal. After considering the evidence as presented in the administrative record and arguments made thereon, the Board closed the Public Hearing and adopted a motion of intent to: (1) reject each of the grounds of the appeal and deny the appeal in its entirety; (2) uphold the Planning Commission's approval of the project; (3) adopt the Subsequent Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Project; and approve the project and conditions of approval adopted by the Planning Commission.

Procedural Requirements:

1. Chair announces the agenda item.

2. Staff reports on the item.
3. Questions by the Board.
4. Chair invites interested parties, if they would like, to comment on the findings.
5. Member makes a motion.
6. Different member seconds the motion.
7. Board discussion and debate on the motion.
8. Chair calls for the vote.
9. If roll call vote requested by member, Clerk calls the roll.
10. Chair announces the result of the vote.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: land use planning and transportation/traffic. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. The site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

On November 7, 2007, after considering all written and verbal evidence presented, the Planning Commission approved the Project and imposed conditions of approval addressing site improvements, legalization of existing activities, and new marketing events at the winery. On November 26, 2007, subsequent to the Planning Commission's final decision, and within the prescribed 10-day period for appeal, an appeal was filed by Mr. Lucio Perez.

At the appeal hearing of February 5, 2008, the Board heard and considered evidence submitted from the Appellant, Sattui and its representatives, Staff, and members of the public regarding the appeal. After considering the evidence as presented in the administrative record and arguments made thereon, the Board closed the Public Hearing and adopted a motion of intent to: (1) reject each of the grounds of the appeal and deny the appeal in its entirety; (2) uphold the Planning Commission's approval of the project; (3) adopt the Subsequent Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Project; and approve the project and conditions of approval adopted by the Planning Commission.

The proposed resolution reflects the Board's intent as expressed on February 5, 2008.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Maiko Klieman