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Agenda Date: 9/9/2014
Agenda Placement: 9D
Set Time: 10:30 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 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; and 9) 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. APN:025-160-006. 3 Zinfandel Lane, St. Helena, Calif.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

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 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; 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. APN:025-160-006. 3 Zinfandel Lane, St. Helena, CA.

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 have come to 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 Planning Commission's approval of the Winery project be modified 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 as Exhibit B.

Given these changes to the application, which were not analyzed or disclosed in the Negative Declaration prepared and adopted by the Planning Commission and notice has not been provided to the public of these modifications, Staff recommends that the Board determine that good cause exists to hear the appeal de novo and continue the matter to October 21, 2014 at 11:00 a.m. 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;

As an alternative to the staff recommendation, the Board may take one of the following actions:

1. Remand the matter to the Planning Commission to re-hear the entire project in light of proposed modifications to the Winery project including the new variance;
2. Hear the appeal today based on the Winery project as approved by the Planning Commission and without the modifications requested by the Appellant and Applicant; or
3. Deny the appeal.

PROCEDURAL REQUIREMENTS

1. Chair introduces the item.
2. Staff presents the report and takes questions from the Board.
3. Chair opens public hearing, requests testimony from Appellant followed by the Applicant and any other interested parties on the options outlined in the Staff report.
4. Motion by a Board Member, and second by another Board Member to take one of the actions identified above.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. 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 to 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.

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 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 have come to 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 Planning Commission's approval of the Winery project be modified 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. Correspondence from both the appellant and applicant agreeing to the two revisions to the project are attached (Exhibit A and Exhibit B).

Given these changes to the application, which were not analyzed or disclosed in the Negative Declaration prepared and adopted by the Planning Commission and notice has not been provided to the public of these modifications, Staff recommends that the Board take one of the following actions:

1. Determine that good cause exists to hear the appeal de novo and continue the matter to October 21, 2014 at 11:00 a.m. 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;
2. Remand the matter to the Planning Commission to re-hear the entire project in light of proposed modifications to the Winery project including the new variance;
3. Hear the appeal today based on the Winery project as approved by the Planning Commission and without the modifications requested by the Appellant and Applicant; or
4. Deny the appeal.

It is staff's recommendation that the Board of Supervisors proceed with option Number 1. As discussed earlier, the Planning Commission has already considered this project over two months of hearings and unanimously

supported the project as proposed by the Applicant. Remanding this item could add several months to the process, should the Commission's decision be appealed, for an application that was submitted to the County early this year. Consequently, staff believes that the Board should hear this appeal de novo. Staff also believes that analysis of the modifications proposed by the Appellant and Applicant should be provided so that the Board is able to consider the full range of options available with regards to the Winery project.

SUPPORTING DOCUMENTS

- A . Corresspondence from Appellant
- B . Correspondence from Applicant

CEO Recommendation: Approve

Reviewed By: Helene Franchi