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Agenda Date: 1/15/2014

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for Pete Parkinson - Interim Director
Planning, Building and Environmental Services

REPORT BY: Kirsty Gerosa, Planner - 299-1377

SUBJECT: Domaine Carneros Use Permit Major Modification Application No. P13-00258 MOD

RECOMMENDATION

DOMAINE CARNEROS / DOMAINE CARNEROS LTD - USE PERMIT MAJOR MODIFICATION P13-00258-MOD

CEQA Status : Consideration and possible adoption of an Addendum to the Negative Declaration, adopted on March 7, 2012 for the Domaine Carneros Winery Use Permit Modification #P10-00384 (CEQA Guidelines Section 15164). The previously adopted Negative Declaration adequately describes the activities for purposes of CEQA. There is no new information of substantial importance, no new effects would occur and no new mitigation measure would be required as discussed more fully in the attached Addendum which was prepared for this project. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a Use Permit Modification to Use Permits #U-668687, #00170-MOD, U-91-11, and P10-000384 which allow for a production of 432,000 gallons per year within a 71,426 square foot facility and allows 360 public visitation for tours and tasting. The modification requests approval of the following: (a) Reconfiguration of the existing parking lot to accommodate an additional 43 spaces and the construction of 23 additional spaces to yield a total of 144 parking spaces; (b) Revision of the existing marketing plan (U-91-11, two annual events of up to 300 people) to allow for two additional events per month with up to 50 guests and eight additional events per month with up to 25 guests; (c) Additional visitation of 100 people per day on weekdays and 600 visitors per day on the weekends for a total of 460 people Monday-Friday and 960 people Saturday and Sunday. No additional square footage, production, or increase in employees are included in this proposal. The 139 acre winery parcel is located at the intersection of Duhig Road and State Route 12-121 within an AW (Agricultural Watershed) zoning district. APN: 047-070-007. 1240 Duhig Road, Napa.

Staff Recommendation: Adopt the attached Addendum to the Negative Declaration and find the project consistent with the Negative Declaration adopted on March 7, 2012 and approve the requested use permit modification as conditioned.

Staff Contact: Kirsty Gerosa, (707) 299-1377, Kirsty.Gerosa@countyofnapa.org

Applicant Contact: David Gilbreth (707) 337-6412

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Addendum attached as Exhibit C, dated January 3, 2014 and find the project consistent with the Negative Declaration approved March 7, 2012 associated with Project Number P10-00384.
2. Approve Use Permit Major Modification No. P13-00258 based on findings 1-7 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion:

This application was scheduled to be heard in front of the Commission March 7, 2012. However, the details as requested here were removed from the proposal because the winery's Executive Director was unable to attend to discuss the winery's historical visitation and marketing. Since the last hearing, the applicant submitted a Use Determination application (P12- 00334) along with sufficient evidence for staff to analyze the historical levels of visitation. The conclusion and details of the Use Determination are attached. In summary, it was determined that the pre-Winery Definition Ordinance (WDO) public tours and tasting level was a maximum of 360 visitors per day. Therefore this application requests additional visitation, marketing, and associated parking. The additional tours and tasting and marketing is subject to the provisions of the WDO.

The request includes approval of a major use permit modification to allow an increase of visitation (additional visitation subject to by-appointment only requirements) to a pre Winery Definition Ordinance winery from 360 people per day to 460 during weekdays and from 360 people per day to 960 on the weekends, approval of a marketing plan to allow for six 50 people and four 25 people events per month, and the construction of 23 spaces and re-configuration of 43 spaces for a total of 66 new spaces and an overall total of 144 spaces. Staff has some concerns over the large number of visitation on the weekends, but other than that, has no other objections to this project and recommends approval subject to our standard conditions.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consistent with the Negative Declaration Approved. The project is consistent with the project analyzed in the Negative Declaration approved March 7, 2012 associated with previous Use Permit Modification Number P10-000384. As analyzed in the Negative Declaration, this project will not have a significant effect on the environment. The previously adopted Negative Declaration adequately describes the activities for purposes of CEQA. There is no new information of substantial importance, no new effects would occur and no new mitigation measures would be required as discussed more fully in the Addendum which was prepared for this project (CEQA Guidelines, Section

15164). This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Domaine Carneros, P.O. Box 5420, Napa, CA 94558. (707) 257-0101

Representative (Attorney): David Gilbreth, dbgilbreth@sbcglobal.net, (707) 337-6412

Zoning: AW (Agricultural Watershed)

General Plan Designation: Split AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space)

Filed: August 1, 2013 **Complete:** December 21, 2013

Existing Production Capacity: 432,000 gallons with no change proposed

Number of Employees - Existing: 15 part-time and 30-full time, no change proposed

Visitation - Existing: Public tours and tastings; 360 visitors per day

Visitation - Proposed: 360 Public Tours and Tasting per day and 100 by appointment per day, for a total of 460 people on the weekdays (Monday - Friday) and 360 public and 600 by appointment only, for a total of 960 tours and tastings visitation during the weekends (Saturday and Sunday)

Hours of Operation - Existing: 8am - 6pm daily; no change proposed

Parking - as approved: 77 spaces

Parking - Proposed: Reconfiguration of 43 spaces, construction of 23 spaces for a total of 66 new spaces and a grand total of 144 parking spaces.

Winery Coverage - Existing: 240,000 sq. ft. or 4% of the parcel; no change proposed

Adjacent General Plan Designation/ Zoning / Land Use:

North

AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space) General Plan designation

AW (Agricultural Watershed) zoning

DiRosa Art and Nature Preserve on a 53-acre site, a 256-acre vineyard parcel and a 166-acre vineyard parcel are located directly to the north across State Highway 12.

East

AWOS (Agricultural Watershed and Open Space) General Plan designation

AW (Agricultural Watershed) zoning

Mount St. John Cellars winery on a 4-acre site is located directly east of the intersection of Duhig Road and Highway 12.

South

Split AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space) General Plan designation;

AW (Agricultural Watershed) zoning

Cuvaison Winery on a 206-acre site is located directly south across Duhig Road, three residential properties are located across Neuenschwander to the south at the south end of the property ranging in sizes from 0.85, 1.16, and 9.84-acres.

West**Split AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space) General Plan designation AW zoning**

A 6.71-acre residential site borders the property to the northwest adjacent to the pond and a 59-acre vineyard site borders the remainder of the site to the west.

Parcel History and Evolution of this Application:

September 1987 (U-668687) – Planning Commission approves a new 49,060 square foot winery with a production capacity of 432,000 gallons per year with public tours and tastings.

September 1991 (U-91-11) – The Planning Commission approves a Use Permit modification to allow two annual benefit events with up to 300 guests per event.

October 1997 (96642-VAR) – The Zoning Administrator allows a decorative antique gate within the setback of Highway 12.

June 2001 (00170-MOD) – The Planning Commission approves a Use Permit to allow construction of 22,366 sq. ft. barrel storage building and increase the number of employees from 15 to 30 full-time and 5 to 15 part-time.

January 2002 (01284-MOD) - Administrative approval to allow the barrel building to be attached with a wall rather than an awning.

October 2007 (P07-00627 VMM) - Administrative approval to replace the existing process wastewater activated sludge ponds with an aerated lagoon process wastewater pond.

November 2011 (P11-00450VMM) - Administrative approval for one 10' x 20' and one 20' x 100' tents for temporary weather protection for winter special events.

March 7, 2012 (P10-00384-MOD) - Approval of the conversion of a 2,400 square feet of a barrel storage structure to allow events and tasting, also allowed was the ability to conduct food and wine pairing, and on-site consumption.

June 10, 2013 (P12-00334) - Approval of a Use Determination acknowledging 360 daily public tours and tastings based on submitted evidence.

Code Compliance History

Having discussed the application with our Enforcement staff, conducted a tour of the property, and reviewed the Department's files, Planning Staff is not aware of any active code compliance issues on the subject parcel.

Discussion Points

Setting - The 138.46 acre subject parcel is located in the Carneros district which is located in the southwestern section of Napa County. Regional roadway access to the property is provided by State Route 12/121, which is the

main east-west arterial connecting Napa and Sonoma County. State Route 12/121 abuts the project site along its northern boundary.

Parking - At some point in the past the existing parking lot was re-striped and reconfigured from its approved 77 space lot to the existing 125 spaces. Use Permit #668687 authorized a total of 65 spaces and Use Permit # 00170-MOD authorized an additional 12, for a total of 77 spaces. Because this is a pre-WDO winery and the parking lot accommodations were increased, albeit without increasing the winery development area, staff wanted to ensure the as-built and the as-proposed parking spaces were clearly recognized. Currently, there is a small area adjacent to Duhig Road that was graded in 2012, located at the south of the parking lot. This area is the proposed location for the new 23 parking spaces. The area was previously approved for the grading for overflow parking during harvest, however this request is asking to approve the land use change to allow parking for the additional tours and tasting.

Visitation - The winery currently has a visitation level of 360 public tours and tasting per day, or a maximum of 2,520 people per week. As described in the attached Tables (See Attachments E & F), the winery with the largest amount of approved visitation is the Robert Mondavi with an average of 4,025 people per week. Previously the Commission evaluated the **average** weekly visitation rather than our Department's current practice of looking at the **maximum** level of visitation, so this level could actually be higher. If the Commission approves the total proposed visitation (a maximum of 3,720 people per week), it would be the winery with the fourth highest amount of visitation and the highest amount of by appointment only visitation according to our Winery Database. The additional parking proposed is commiserate to a level of 374 people present at one time, so it could potentially accommodate this level of visitation. A condition of approval has been added to prohibit tours and tastings during large weekend marketing events.

Marketing - This application is requesting formal approval of a marketing plan to include (4) events per month with up to 50-guests and (6) events per month for up to 25-guests. All events are scheduled to end by 10:00 p.m. which is consistent with wineries of this production size as described in the attachment.

Greenhouse Gas Emissions - Although this winery falls below the threshold to evaluate greenhouse gas emissions, they have voluntarily done the following measures: a) installed solar panels that generate 35% of their total demands; b) is a Certified Organic Farmer (CCOF); c) maximizes their recycling, and d) is considered a leader in the sustainability industry.

Consistency with Standards

Zoning - The project is consistent with AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in connection with a winery (see Napa County Code § Section 18.20.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and those other requirements of the Zoning Code as applicable.

Building Division Requirements - The Building Division has reviewed this application and has no comments.

Fire Department Requirements - The Fire Marshal's office has reviewed this application and has no comments.

Division of Engineering Services Requirements - The Division of Engineering Services recommends approval with conditions. Please see their attached memo.

Division of Environmental Health Requirements - The Division of Environmental Health recommends approval with standard conditions. Please see their attached memo.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Proposed Conditions of Approval
- C . Exhibit C: CEQA Addendum
- D . Department Memos
- E . Spreadsheet of similar tours and tasting and marketing
- F . Table showing high levels of visitation
- G . Use Determination - historic tours and tasting levels
- H . Negative Declaration
- I . Traffic Impact Study
- J . Wastewater Feasibility Study
- K . Water Availability Analysis
- L . Application
- M . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina