



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/21/2015

Agenda Placement: 9A

Continued From: December 17, 2014

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Wyntress Balcher, Planner II - 707 299-1351
SUBJECT: Girard Winery Use Permit #P14-00053

RECOMMENDATION

GIRARD WINERY USE PERMIT #P14-00053-UP

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration and MMRP, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Transportation/Traffic. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit to establish a new winery as follows: 1) 200,000 gallons per year production capacity; 2) Construction of new winery building, totaling 32,771 sq.ft. in area, to include: 28,955 sq.ft. production area (crush area, fermentation and barrel storage, restrooms); 3,816 sq.ft of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), maximum height 35 ft. with 45 ft. tall cupolas; a 2,628 sq. ft. veranda; and a 2,871 sq. ft. covered work area; 3) Hosted daily tours and tastings for wine trade personnel and consumers by appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday); 4) Hours of operation: 8:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (visitation hours), 7-days a week; 5) Employment of more than 25 employees: 11 employees (8 full time; 3 part-time) non harvest; maximum 19 additional employees (12 full time and 7 part time) during harvest; 6) Employee hours: production, 7:00 AM to 3:00 PM; hospitality/ tasting room, 9:30 AM to 6:30 PM; administration, 8:00 AM to 5:00 PM; 7) Construction of twenty-two (22) parking spaces; 8) Installation of landscaping, entry gate and a winery sign; 9) Establish a Marketing Program as follows: a) Four (4) events per year with a maximum of 75 guests; b) Four (4) events per year with a maximum of 200 guests; c) One (1) Harvest event per year with a maximum of 500 guests; d) All food to be catered utilizing a ±184 sq. ft. small prep/staging area; 10) On-premise consumption of wines produced on site within the tasting room and in the landscaped winery gardens in accordance with AB 2004; 11) Construct new 24" wide winery access driveway from Dunaweal Lane to the winery; 12) Construction of additional piping and service connections to the existing water system with an update to the existing Transient Non-Community Water System contract to

include Girard Winery; 13) Installation of on-site sanitary disposal improvements and installation of new connections into the existing on-site winery waste water ponds serving Clos Pegase Winery (APN:020-150-012); and, 14) Installation of 30' diameter, 25,000 gallon water storage tank. The project is located on a 26.53 acre parcel at 1077 Dunaweal Lane, Calistoga, on the east side of Dunaweal Lane, approximately 1,000 feet south of its intersection with Silverado Trail, within the AP (Agricultural Preserve) Zoning District; APN: 020-150-017

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the Use Permit, as conditioned.

Staff Contact: Wynress Balcher, Planner II (707) 299-1351; wynress.balcher@countyofnapa.org

Applicant Contact: Heather McCollister, (707) 287-5999; bhmccolli@sbcglobal.net

ITEM CONTINUED FROM DECEMBER 17, 2014.

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Plan for the Girard Winery based on Findings 1-5 of Exhibit A; and
2. Approve Use Permit (P14-00053) based on Findings 6-10 of Exhibit A, and subject to the recommended Conditions of Approval (Exhibit B).

Discussion:

The applicant requests approval of Use Permit application #P14-00053 to establish a new 200,000 gallon/year winery with the construction of a new winery building, totaling 32,771 sq.ft. in area, to include: 28,955 sq.ft. production area (crush area, fermentation and barrel storage, restrooms); 3,816sq.ft of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms); a 2,628 sq.ft. covered veranda; and a 2,871 sq. ft. covered work area. The maximum height of the building will be 35 ft. with two 45 ft. tall cupolas. The applicant also proposes the construction of: twenty-two (22) parking spaces; a new 24" wide winery access driveway from Dunaweal Lane to the winery; and additional piping and service connections to the existing water system with an update to the existing Transient Non-Community Water System contract to include Girard Winery; and the installation of a 25,000 gallon water storage tank. The applicant is requesting tours and tastings by appointment, for a maximum of 90 persons on weekends and 75 persons on weekdays and a Marketing Program to hold 9 events per year: four/year for 75 guests; four/year for 200 guests and one/year for 500 guests, to be catered and during winery operation hours.

A public hearing was held on December 17, 2014 and based upon Commission discussion, this item was continued. At that meeting, the Commission presented questions about the proposed project that they wanted answered: clarification of the size of the Clos Pegase Winery (APN: 020-150-012); confirmation of the size of the project parcel; and information regarding a transient non-community water system. Also, a continuance was requested by Ms. Norma Tofanelli and Mr. David Clark. The continuance enables Ms. Norma Tofanelli time for her consultant to prepare a report on water availability in the area.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Mitigated Negative Declaration Prepared. According to the proposed Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Transportation/Traffic. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Response to Planning Commission Comments - A public hearing was held on December 17, 2014, and was continued to allow staff to prepare and to provide the Commission information regarding the size of the Clos Pegase Winery, confirmation of the size of the project parcel; and, provide background information regarding the transient non-community water system.

The project parcel (APN) 020-150-017, is 26.53 acres in area. The numbers were transposed on the Initial Study/Mitigated Negative Declaration document (Pg 1) and staff report background section (Pg 2), where the location is indicated.

Use Permit #458687 was approved by the Planning Commission to expand the production capacity of Clos Pegase Winery to 200,000 gallons/year; roof an existing work area; add 19,000 sq.ft. of caves; and construct a wastewater treatment pond on the adjacent parcel across Dunaweal Lane. According to the application, the existing winery is 25,000 sq. ft. in area. A copy of the approval letter is attached to this staff report.

The Water System Feasibility Report (Always Engineering, Inc; dated February 21, 2014) states the well on the project property (APN: 20-150-017) provides water to the Clos Pegase Winery, located across the street (1060 Dunaweal Lane, APN: 020-150-012), through a transient non-community water system permit. Transient noncommunity water systems are public water systems which serve at least 15 service connections or 25 or more persons for at least 60 days of the year (Example: A winery with less than 25 employees that has public wine tasting with an average of 25 or more visitors for 60 days of the year). The report stated that the parcel and the water system are both owned by Vintage Wine Estates. Upon grant of the use permit, the water system permit will be updated and the system name changed to The Clos Pegase and Girard Wineries Water System. Additional expanded information regarding public water systems is attached with this report.

Public Comment Responses - Ms. Norma Tofanelli, a neighbor who had requested the continuance of this item to have the water analysis reviewed by a hydrologist has notified staff that she needs additional time and indicated to staff that her additional information would not be available until January 16, 2015, which is after the packets are distributed. Upon receipt, staff will forward the information to the Commission under separate cover.

A letter from Ellison Folk of Shute, Mihaly, & Weinberger, LLP legal counsel for the Tofanelli family, was received on December 14, 2014, requesting a continuance of the hearing and requesting additional information regarding statements in the Initial Study: "(Pg 13) Minimum thresholds for water use established by Napa County Department of Public Works on USGS reports and copies of USGS' water resources investigations" and "(Pg 14) Napa County environmental resource mapping (Water Deficient Areas/Storage Areas)." This information was provided to Ms. Tofanelli at the hearing on December 17, 2014, and the documents were also e-mailed to the attorney on

December 19, 2014. These are attached to this report for Commission review.

Mr. David Clark also requested a continuance to accommodate additional time to review the project.

A Letter from the Mount Veeder Stewardship Council (December 16, 2014) was submitted to the Commission, expressing objection to the adoption of a Negative Declaration for the Girard Winery Use Permit Application, and respectfully requested that the Planning Commission not adopt (sic) the Negative Declaration, and instead have the applicant conduct the Environmental Impact Report addressing cumulative impacts of the project. Mt. Veeder further requested the applicant provide additional information regarding the water availability for the project. It should be noted that a Mitigated Negative Declaration, not a negative declaration, was prepared and circulated for the project.

The Mount Veeder Stewardship Council states in its letter that the Planning Department failed to require the applicant to provide any actual water availability data in support of its application. A Water System Feasibility Report (Always Engineering, Inc. dated February 21, 2014) was in fact prepared for the project and submitted with the application. The report indicated that the existing well produces 23 gpm, based upon the well logs which have been filed with the county. The report further indicates that the current pump supplies 18 gpm, and that this production amount is adequate to supply the winery processing, employees, tasting visitors, and events. Clos Pegase Winery incorporates many conservation measures in their water demands and proposes to incorporate the proposed Girard Winery into the existing recycled processed wastewater system for irrigation of the vineyards and landscaping. The wineries will share a well and the proposed Girard Winery will be added into the existing transient non-community water system serving Clos Pegase Winery. No new wells are proposed. There are three ponds on the Girard parcel, one which holds the irrigation water. In addition to the recycled water, the irrigation pond also captures rainwater and water from the vineyard subdrain collection system. No ground water is being proposed for the irrigation of the vineyards and landscaping. The use of the recycled processed wastewater for irrigation reduces the estimated water demand from the two wineries to 12.49 acre-feet/year (af/yr). The minimum threshold established by the County for this is 26.53 af/yr. The County has no record of problems or complaints of diminished groundwater supplies at the project site or in the general vicinity.

As discussed in the Mitigated Negative Declaration/Initial Study, minimum thresholds for water use have been established by the Napa County Department of Public Works, using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District and more recently reviewed and found acceptable and defensible by Lundorff and Scalmanini in their work with the GRAC and their "Updated Hydrogeologic Conceptualization and Characterization of Conditions" (January, 2013). Any project which reduces water usage or any water usage which is at or below the established threshold is presumed not to have a significant effect on groundwater levels. The project is located on the valley floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year.

The cumulative traffic impacts were discussed in the Mitigated Negative Declaration/Initial Study, specifically regarding the turning movement at the intersection of Dunaweal Land with State Highway 29, and Silverado Trail. The Napa County General Plan Environmental Impact Report identified expected reduction in the Level of Service (LOS) on State Highway and Silverado Trail in 2030. Mitigation measures have been proposed to address this potential impact, and were incorporated into the project and agreed to by the applicant.

Based upon the above concerns, staff maintains that the proposed Mitigated Negative Declaration adequately addresses potential impacts of the project and is recommending in favor of the project: 1) the proposal includes substantial greenhouse gas offset features; 2) potential traffic impacts have been fully mitigated; 3) Girard's Napa wines are presently made in Sonoma County and this facility will return Napa County fruit to production in Napa County; 4) the project will be subject to the County's expanded housing impact fees; 5) visitation is within the scope of what has been approved at other similar facilities, and marketing is on the low end; 6) the amount of visitation

space is relatively modest in comparison to the amount of production space; and 7) the project requires no reductions or alternatives to winery zoning standards.

SUPPORTING DOCUMENTS

- A . EXHIBIT A - PROPOSED FINDINGS
- B . EXHIBIT B - PROPOSED CONDITIONS
- C . Clos Pegase Use Permit Approval Letter
- D . Water Systems Background Information
- E . Ellison Folk Correspondence
- F . Water System Feasibility Report
- G . 1973 Northern Napa Valley Groundwater Study
- H . 1977 USGS Report
- I . 1991 Public Works Water Availability Analysis
- J . Girard - Water Deficient Areas GIS Map
- K . Continuance Requests - Tofanelli - Clark
- L . Mount Veeder Stewardship Council
- M . Previous Commission Staff Report of December 17, 2014

Napa County Planning Commission: Approve

Reviewed By: John McDowell