



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/7/2009

Agenda Placement: 9E

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Robert Nelson, Supervising Planner - 253-4417
SUBJECT: Del Dotto Winery One Year Status Report

RECOMMENDATION

DEL DOTTO WINERY ONE YEAR STATUS REPORT - USE PERMIT P07-00278-MOD

Ceqa Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Request: Use Permit compliance review and possible action for the Del Dotto Winery located on the west side of State Highway 29 south of Zinfandel Lane, 1445 St. Helena Highway. Pursuant to the project's adopted conditions of approval, a public hearing status report before the Planning Commission is required one year after opening of the facility.

Staff Recommendation: Take public testimony, evaluate the project's compliance with standards, and provide direction to staff on any outstanding compliance issues

Staff Contact: Robert Nelson 299-1355

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission direct the applicant to correct the outstanding use permit violations and submit any associated use permit modification application prior to February 7, 2009.

Discussion:

This is a one year status report regarding the Del Dotto Winery operation on State Highway 29 at Zinfandel Lane and Use Permit compliance. The Commission, after reviewing this Status Report and hearing from staff, the owner or his representative, and any interested members of the public, shall determine if further review is warranted. There are remaining funds from original deposit to cover staff time spent monitoring compliance. The

project continues to have compliance issues identified during the 6-month status report consisting of signage not meeting the intent of the condition, use of an interior area designated for production (barrels) as marketing event space (recently corrected), and unauthorized outdoor tanks remaining in the outdoor crush pad area.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The winery was granted temporary occupancy in July 2007 and finalized in October 2007. A condition of use permit approval required a one year status review of the winery operations.

After the six month review in June, 2008, the Commission's concerns focused on the outdoor tanks that were never approved and the visitor by appointment signs being difficult to see due to their placement. At that time, the Department also became concerned that the production to accessory ratio was possibly being exceeded.

Outdoor Tanks:

Regarding the outdoor tanks in the crush pad area, the permittee initially stated that the tanks were temporary and would be removed. Staff was later told that the tanks would remain and a use permit modification to construct an addition to the winery to enclose the entire crush pad area with the tanks would be submitted. The application forms were picked up, but to date, no application has been filed. The outdoor tanks continue to be out of compliance with and are a violation of the Use Permit. In a recent e-mail dated November 17th, the applicant states that the tanks are covered by the temporary tent until after harvest and the tent is to be removed in December, and the tanks are then to be moved. Further, a design for a permanent cover for the crush pad area is still being worked on.

Signs:

The signs reading "tours and tasting by appointment" are still located by the winery signs and are not legible from a car entering the driveway. The intent is that these signs be clearly legible to people in their cars arriving at the winery. The November 17th e-mail requests approval of another sign at the entrance to the winery as follows:

Del Dotto
Cave Tours & Barrel Tastings
By Appointment Only

1445 St. Helena Hwy.

This sign would include the address.

Production/Accessory Ratio:

Regarding the production/accessory ratio, it was explained to staff that the barrel cave could handle all the barrels presently and as the number increased, they would extend into the main building as indicated on the plans, and

thus the production/accessory ratio would not be exceeded. The Nov 17th e-mail states that there are clay pots outside the cave entry in the area referred to and more barrels will be put in that area when harvest is over. In addition, if the use permit modification for enclosing the crush pad area was approved and built, the production area would be increased and eliminate any concern regarding the ratio compliance.

Other Issues:

Another issue arose since the six month status report involving the location of the rear property line and how the rear winery setback at just over 20 feet could be affected. The issue has not been resolved and the courts may be involved in that. The November 17th e-mail states the property line issue is being worked on with their neighbor and will be work out by the surveyors and County staff will be kept informed.

Also, elected officials received calls regarding the tents that have been installed on the property. One covers the entire crush pad area. The Napa County Fire Department has issued permits for the two temporary tents on this parcel. This is consistent with the practice as it relates to other winery properties.

SUPPORTING DOCUMENTS

A . Del Dotto Attachments

Napa County Planning Commission: Approve

Reviewed By: John McDowell