

AGENDA

NAPA COUNTY PLANNING COMMISSION

1195 Third Street, Ste. 305
Napa, Ca. 94558

Wednesday October 16, 2019
9:00 AM



A Tradition of Stewardship
A Commitment to Service

COMMISSION MEMBERS

<i>VICE CHAIR</i> <i>Dave Whitmer</i> <i>District # 2</i>	<i>COMMISSIONER</i> <i>Anne Cottrell</i> <i>District # 3</i>	<i>CHAIR</i> <i>Joelle Gallagher</i> <i>District # 1</i>	<i>COMMISSIONER</i> <i>Andrew Mazotti</i> <i>District # 4</i>	<i>COMMISSIONER</i> <i>Jeri Hansen</i> <i>District # 5</i>
<i>COMMISSION COUNSEL</i> <i>Laura Anderson</i>		<i>SECRETARY-DIRECTOR</i> <i>David Morrison</i>		<i>COMMISSION CLERK</i> <i>Lashun Fuller</i>

The Commission welcomes you to its meeting which is regularly scheduled the first and third Wednesday of the month. The Commission meets at 1195 Third Street, Ste. 305 Napa. The following information is provided to ensure your understanding and participation in the Commission's meeting and decision making process. Your comments and participation in the meeting are invited and would be welcomed. It is our desire to give everyone an opportunity to speak and be heard in a timely manner and within an atmosphere of respect and diplomacy. These procedures are meant to foster an atmosphere of respect. Assistive listening devices are available for the hearing impaired from the office of the Clerk of the Board. If an ASL interpreter or any other special arrangement is required, please provide the Clerk of the Commission with 24-hour notice by calling 253-4417.

ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY:

Items listed under this section on the agenda are regular items which are recommended for approval or continuance by staff with the applicant's consent concerning conditions of approval, when the applicant has signed any required project revision statement and when no member of the Commission or public indicates a desire to comment or ask questions about the item. These items regardless of their agenda assigned number will be acted upon by the Commission in one motion at the beginning of the meeting. Applicants having items so listed need not speak unless they disagree with the staff recommendation or wish to comment. If an Item requires discussion, it will be heard in the numerical order listed on the agenda.

PERSONS WISHING TO SPEAK CONCERNING AN AGENDA ITEM:

If you wish to speak on an item on the Agenda and under discussion by the Commission, you may do so upon receiving recognition from the Chairperson. After being recognized by the Chairperson, please step to one of the microphones and state your name and address and make your presentation. No comment or testimony shall be shouted from the audience. All comments are to be directed to the Commission, including inquiries requiring staff response. Time limitations shall be at the discretion of the Chair or Commission.

APPEAL PROCEDURE:

If you do not agree with the Commission's decision or the conditions that may have been imposed by the

Commission in approving an agenda item, you may appeal the Commission's action to the Napa County Board of Supervisors. Appeals may be limited to those issues raised at the public hearing relating to the agenda item or to written correspondence delivered to the Planning Commission at or prior to the public hearing. For additional information concerning the County's Ordinance requirements for filing an appeal or to obtain the required forms to file an appeal, please stop at the front counter in the County Executive Office/Clerk of the Board, 1195 Third Street, Suite 305 in Napa. If you have any question concerning the appeals procedure, please call (707) 253 4580 and request assistance.

All materials relating to an agenda item for an open session of a regular meeting of the Planning Commission which are provided to a majority or all of the members of the Commission by Commissioners, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at the time of such distribution, in the office of the Clerk of the Planning Commission, 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Commission at the meeting will be available for public inspection at the public meeting if prepared by the members of the Commission or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Agenda available on line at www.countyofnapa.org

1. CALL TO ORDER / ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. CITIZEN COMMENTS AND RECOMMENDATIONS**

The Commission invites Citizen comments and recommendations concerning current issues and future prospects of a planning nature which are within the jurisdiction of the Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

4. APPROVAL OF MINUTES

The Clerk of the Commission request approval of Minutes for the meetings held on: September 18, 2019 & October 02, 2019 (All Commissioners Present)

5. AGENDA REVIEW**6. DISCLOSURES****7. PUBLIC HEARING ITEMS**

A. BREMER GROUP LLC. / BREMER FAMILY WINERY / USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS FOR EXISTING SITE IMPROVEMENTS - APPLICATION #P19-00153-UP

CEQA Status: Consideration and possible adoption of Categorical Exemptions Class 1, 2, 3, and 4. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities; Section 15302, Class 2 Replacement or Reconstruction; Section 15303 Class 3 New Construction or Conversion of Small Structures; Section 15304, and Class 4 Minor Alterations to Land, which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15302, and §15304. This project has also been determined to be exempt pursuant to CCR §15061 in that the recognition, retention, and maintenance of existing site improvements has no possibility of causing a significant effect. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a request for an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit, in order to maintain in their current configuration the following existing physical site improvements, or portions thereof, that encroach into the minimum required stream setbacks pursuant to County Code Section 18.108.025(B) ranging from 45 feet to 65 feet from the top of bank of an unnamed blue-line stream. **A. Components Necessary to Remedy Existing Violations by Recognition of the following:** (1) an approximate 2,200 square foot agricultural storage building and associated water tank, ~~(2) an approximate 200 square foot ground story/floor remodel of a winery building,~~ (3) 2 approximate 800 square foot pad and associated walls attached to the winery, ~~(4) 3~~ 3 an approximate 150 square foot ground floor/story addition and second floor/story deck to the farmhouse/office building, ~~(5) 4~~ 4 an approximate 100 square foot freestanding restroom, ~~(6) an approximate 1,000 square foot carport,~~ ~~(7) approximately 13,800 square feet of internal access drive (+7,982 square feet paved and +5,820 square feet gravel surfaced),~~ ~~(8) 5~~ 5 approximately 3,740 square feet of landscaping, ~~(9) 6~~ 6 approximately 1,210 lineal feet of rock walls, and ~~(10) 7~~ 7 three two pedestrian bridges over a blue-line stream; **B. Expansion Beyond**

Existing Site Improvements or Entitlements: None.

The Applicant has proposed an Intermittent Channel Enhancement (ICE) Plan for a 400 foot stretch of the blue-line stream; however, because the ICE Plan is already required by another public agency it is not part of the Use Permit Exception request before the Commission. Staff has clarified that the components of the application shown as deleted above either pre-date the Conservation Regulations or were previously entitled and therefore not subject to the Use Permit Exception Request.

The project is located on an approximate 47.1-acre holding (APNs 021-400-002 and 021-420-027: 975 Deer Park Road) that have a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS), and are located in the AW (Agricultural Watershed) zoning district.

Staff Recommendation: Find the project categorically exempt from CEQA and approve the Use Permit Exception request as conditioned.

Staff Contact: Donald Barrella, Planner III; phone (707) 299-1338; email, donald.barrella@countyofnapa.org

Applicant: John Bremer, on behalf of the Bremer Group LLC.

Representative: David B. Gilbreth, Attorney; phone (707) 337-6412; email, dbgilbreth@gmail.com

CONTINUED FROM THE SEPTEMBER 18, 2019 COMMISSION MEETING**B. WAYNE AND KARA FINGERMAN / HARD SIX CELLARS WINERY / USE PERMIT # P16-00333 AND USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS #19-00315 AND EXCEPTION TO THE NAPA COUNTY ROAD AND STREET STANDARDS**

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures (or MM's). MM's are proposed for the following area(s) Biological Resources and Transportation. 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 for a new 20,000 gallon per year winery to allow the following: (a) Construct a 3,969 square foot two-story (main roof height of approximately 23 feet) winery structure, 7,135 square foot cave, 5,486 square foot uncovered work area, and 1,185 square foot outdoor hospitality area. A 168 square foot pump house is also proposed; (b) Removal of existing barn; (c) Maximum annual permitted production of 20,000 gallons; (d) Hosted daily tours and tastings by appointment only for a maximum of 16 persons per day and 112 persons per week Monday through Sunday. Food service (wine and food pairings) is requested as part of the tours and tastings; (e) A Marketing Program; (f) Hours of operation: 6:00 AM to 6:00 PM (production hours, except during harvest), 10:00 AM to 6:00 PM (visitation hours); seven (7)-days a week; (g) Employment of: four employees (three full time and one part-time) non harvest; two additional employees (two part time) during harvest, for a total maximum of six employees; (h) On-premises consumption of wines produced on site in the outdoor patio and near the pond in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (i) Construction of four (4) parking spaces (three (3) standard spaces and one ADA space); (j) Improvement of the existing access driveway to County standards except for the request noted below; (k) Installation of landscaping and restoration of the existing pond; (l) Construct a new wastewater system and associated infrastructure consistent

with County Code; and (m) Construction of one (1) 5,000 gallon water storage tank and one (1) 50,000 gallon fire protection water storage tank.

A Use Permit Exception to the Conservation Regulations application (P19-00315) is also requested to allow re-grading of the existing access driveway to the south fork of Diamond Mountain Road to encroach into the required 55-foot stream setback by approximately 30 to 35 square feet for the unnamed creek. This section of the access driveway lies within a 40-foot wide access easement across a portion of APN 020-300-071. The project also includes a request for an exception to the Napa County Road and Street Standards (RSS) dated January 8, 2018. The request proposes an exception to the Napa County RSS to allow for a reduction in commercial width, a non-standard driveway connection to the nearest public road, and for a portion of road with slopes exceeding 18 percent but less than 20 percent without transition zones (sections of road not exceeding 10 percent for 100 feet in length immediately preceding and ensuing the section of road with the roadway grade of 18 to 20 percent.) The RSS exception has been requested to preserve mature native trees on steeply sloping hillsides and to minimize the need for grading on steep slopes and within the natural watercourse surrounding the driveway. The project is located on an approximately 53.04 acre site within the AW (Agricultural Watershed) zoning district at 1755 S. Fork Diamond Mountain Road; APN: 020-100-014.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the Exception to the Napa County Roads & Street Standard, Use Permit Exception to Conservation Regulations and Use Permit, as conditioned.

Staff Contact: Jason R. Hade, Planner III, (707) 259-8757 or Jason.hade@countyofnapa.org

Applicant: Wayne and Kara Fingerman; (707) 942-4806 or wfingerman44@gmail.com or karafinger@gmail.com

Applicant Representative: Donna Oldford, Plans4Wine; (707) 963-5832 or dboldford@aol.com

C. PHILIPPE LANGNER / KITOKO WINERY / USE PERMIT P17-00373-UP

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures (or MM's). MM's are proposed for the following area(s): Biology and Transportation. 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 allow the construction of a new 40,000-gallon winery with following characteristics: a) Construction of a winery building consisting of two detached structures (3,187 sf and 2,603 sf) joined in the center by a covered crush pad (1,658 sf). Mobile bottling activities will occur in the crush pad area; b) Construction of an approximately 13,662 sf cave with access by three (3) portals. One portal will be accessed from the new winery building and one will be accessed from the covered crush pad and the third will be accessed from the turn-around area located at the western portion of the project. The cave will be used primary for production with the exception of a 420 sf hospitality room; c) Tours and tastings by appointment only with a maximum of 20 visitors per day and a weekly maximum of 140 visitors; d) A marketing program of 10 events per year with a maximum of 30 persons and one (1) event per year with a maximum of 100 persons. Events to be held between 10 am and 6 pm and 7 pm to 10 pm. All events will be catered with food prepared off-site. Portable toilets will be brought in for the large marketing event; e) Four (4) full-time and three (3) part-time employees; During harvest on a weekday, there will be five (5) full-time employees and one (1) part-time employee. There will be three (3) full-time employees on a harvest weekend; f) On

premise consumption of wines produced on-site within the outdoor terraced area, hospitality building designated tasting areas, and the cave's designated hospitality room in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; g) Winery hours of operation Monday through Sunday 7 am – 6 pm (Non-harvest Production) and 10 am – 6 pm (Visitation); h) Construction of seven (7) parking spaces; i) Installation of a wastewater system with tanks above or below ground; j) Installation of a well and a public water system; and k) installation of an underground or above ground water storage system for fire protection and rain water collection (50,000 +/- gallons); l) Installation of a 10,000 gallon domestic water tank; and m) All project spoils and rocks generated from the cave and construction activities to be disposed on-site in front of the proposed winery. The project is located on an approximately 20-acre site within the AW (Agricultural Watershed) zoning district at 3201 Atlas Peak Road, Napa, CA 94558; APN: 033-010-034.

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

Staff Contact: Charlene Gallina, Supervising Planner, (707) 299-1355;
charlene.gallina@countyofnapa.org

Applicant: : Phillippe Langner, (707) 927-3787; philippe@hesperianwines.com

Applicant Representative: Jon Webb, Albion Surveys, Inc. (707) 963-1217;
jwebb@albionsurveys.com

D. ENVY WINES, LLC / ENVY WINES / MAJOR MODIFICATION P18-00071-MOD AND EXCEPTION TO THE NAPA COUNTY ROADS & STREET STANDARDS

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. 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 Major Modification for an existing 50,000 gallon per year winery to allow the following: a) increase annual wine production from 50,000 to 100,000 gallons per year; b) convert the existing laundry room and create a low risk food preparation kitchen to prepare cheese plates on-site; c) replace 256 sf of production floor area to accommodate a private seating tasting room for a total of 1,654 sf; and d) asphalt two (2) feet of an existing gravel shoulder to comply with the County's Road and Street Standards. The proposal also includes a request for an exception to the Napa County Roads and Street Standards to improve the existing common driveway for small portions of the driveway where due to existing legal constraints, construction of the required 20' pavement width is not possible. There are no proposed changes to winery's visitation, marketing program, or the number of employees. The project is located on an approximately 18.76 acre parcel accessed from a private drive on the south side of Tubbs Lane, approximately 0.25 mile from its intersection with St. Helena Highway (SR 128); 1170 Tubbs Lane, Calistoga, CA 94558; APN 017-210-027.

Staff Recommendation: Adopt the Negative Declaration and approve the Exception to the Roads & Street Standards and Major Modification, as conditioned.

Staff Contact: Charlene Gallina, Supervising Planner, (707) 299-1355;
charlene.gallina@countyofnapa.org

Applicant: Mark Carter , Envy Wines, LLC; (916) 730-4107; info@cartercellars.com

Applicant Representative: Kirsty Shelton, Palisades Land Use Consultancy, (707) 692-6636;
ks@palisadeslanduse.com

8. ADMINISTRATIVE ITEMS

None

9. PLANNING MANAGER'S REPORT

- DISCUSSION OF ITEMS FOR THE **NOVEMBER 06, 2019 REGULAR MEETING**
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

10. COMMISSIONER COMMENTS / COMMITTEE REPORTS

11. PROJECTS REQUIRING COMMISSION FOLLOW-UP REVIEW

Refer to "PBES Current Projects" Web Page <https://www.countyofnapa.org/591/Current-Projects>

12. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 10/09/2019 BY 3 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Lashun Fuller (By e-signature)
Lashun Fuller, Clerk of the Commission