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Agenda Date: 10/21/2009
Agenda Placement: 9C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Kirsty Shelton, Planner - 707 253 4417
SUBJECT: Envy Winery LLC Barrel Storage Building #P09-00288

RECOMMENDATION

MARK CARTER & NILS VENGE/ENVY WINES LLC – USE PERMIT MAJOR MODIFICATION REQUEST #P09-00288-MOD

CEQA Status: Categorically Exempt. CEQA Guidelines Section 15303 (new construction or conversion of small structures). This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

Request: Approval to modify Use Permit # 01074 (Calistoga Partners LP) to allow the construction of a new 4,137 square foot barrel storage building with no increase in production, marketing, or employees. The project is located on an approximate 18.4 acre parcel accessed from an approximate 790 foot private drive on the south side of Tubbs Lane approximately one quarter of a mile from its intersection with St. Helena Highway (Highway 29) within an AP (Agricultural Preserve) zoning district. Located at 1170 Tubbs Lane, Calistoga; Assessor's Parcel # 017-210-27.

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

Staff Contact: Kirsty Shelton, 299-1377 kshelton@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission find the project Categorical Exempt from CEQA, based on finding 1 of Exhibit A; and

2. That the Planning Commission approve Use Permit Major Modification P09-00288 based on findings 2-6 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion:

This application proposes a modification to a winery use permit which was initially approved in February 2002. The approved 20,000 gallon per year, U #01074, was originally approved under the name of Calistoga Cellars. The current winery operates within a constructed 3,034 sq. ft. winery building with 2 full-time and 2 part-time employees, tours and tastings by appointment only and a marketing plan that includes 12 private promotional tastings with a maximum of 30 persons and 2 release events with a maximum of 100 persons. The 18.4 acre parcel is primarily planted with grape vines. The modification currently before the Commission will allow the construction of a new 4,137 square foot barrel storage building with no increase in production, marketing, or employees. This modification requires Commission review because it represents a greater than 25% increase in the size of the facility, and therefore does not qualify for processing as a minor modification.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Environmental Determination:

This project is Categorical Exempt from the application of the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines (Class 3 – New Construction or Conversion of Small Structures) and Napa County's Local CEQA Implementation Procedures, Appendix B, Section 3.

BACKGROUND AND DISCUSSION

Owners / Representatives: Mark Carter, Nils Venge

Zoning: AP (Agricultural Preserve)

General Plan Designation: AR (Agricultural Resource)

Initially Submitted: July 8, 2009 **Determined Complete:** September 24, 2009

Current Winery Size : 3,043 square feet plus an approximately 1,282 covered porch

Proposed Winery addition : 4,137 square feet

Production Capacity: 20,000 gallons per year (no change)

Visitation: Retail sales and tours and tasting by appointment only (no change)

Marketing: Twelve 30-person marketing events annually (no change)

Number of Employees: Two full-time and two part-time employees (no change)

Hours of Operation: 7:00 AM to 5:00 PM daily (no change)

Parking: Ten parking spaces (no change)

Adjacent Zoning / Land Use:

North

AP - Open Space - undeveloped 12.25 acre parcel.

South /East

AP - 11 acre rural residential parcel

West

AP - 5 acres Vineyard/Rural Residential

Nearby Wineries (within one mile of the project site)

Chateau Montelena Winery - 1429 Tubbs Lane - 60,000 gallons per year - open to the public

Robert Pecota Winery - 3299 Bennett Valley Lane - 60,000 gallons per year- tours and tasting by appointment

Prager family Estate- 1281 Lewelling Lane - 8,500 gallons per year - open to the public

Two Sisters Winery PO Box 303 - 15,000 gallons per year - open to the public

Property History:

February 20, 2002 - Use Permit #01074-UP conditionally approved by the Planning Commission (conditions of approval attached).

Code Compliance History:

Based on a review of the County Planning and Building files, there have been no complaints or code compliance issues filed against this property while under the current ownership.

Discussion Point(s):

1. Landscape Screening - The construction of the winery building and associated improvements were completed in 2004. Occupancy and operations commenced without the previous operator (Calistoga Partners LP) complying with the landscaping plan to screen the industrial uses from adjacent neighbors. The file contains correspondence in regards to delays in meeting this requirement, and concerns raised by neighbors. It appears that it wasn't brought into compliance until the current owner and operator (Envy Wines LLC) installed the landscape improvements. Currently, the landscaping materials and berm are mature (see photos) and are in compliance with the current use permit. The conditions of this use permit approval require the landscaping plan as submitted and attached to be installed prior to final occupancy.

2. City of Calistoga Comment Letter - The project site is located north of the City of Calistoga within the city's planning area, although this property is not designated for annexation. Attached is a comment letter requesting that the County control the post development stormwater run-off and compliance with the California Fire Code; these are State regulations that the County addresses during the building permit stage and is also included as Standard Conditions of Approval (see attached Fire and Public Works requirements).

Consistency with Standards:

Zoning

A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in the Agricultural Preserve district with an approved use permit.

Building Division Requirements

The Building Division recommends approval with standard conditions. Please see their September 23, 2009 memo (attached).

Fire Department Requirements

The Fire Marshall recommends approval with standard conditions. Please see their August 12, 2009 memo (attached).

Public Works Department Requirements

The Department of Public Works recommends approval with conditions as attached. Please see their memo October 12, 2009 (attached).

Environmental Management Department Requirements

The Department of Environmental Management recommends approval with standard conditions. Please see their September 17, 2009 memo (attached).

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Conditions of Use Permit 01074
- D . Fire Department Comments
- E . Environmental Management Comments
- F . City of Calistoga comments
- G . Neighbor Comment
- H . Application
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell