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A Commitment to Service

Agenda Date: 11/3/2010

Agenda Placement: 10A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Trish Hornisher, PLANNER III - 299-1349  
**SUBJECT:** Alpha & Omega Winery, LLC./ One Year Status Report/ Use Permit P07-00869-MajMod

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### **RECOMMENDATION**

#### **ALPHA & OMEGA WINERY, LLC./ ONE YEAR STATUS REPORT USE PERMIT #P07-00869-MAJ MOD & #P08-00047 VAR**

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

**Request:** Use Permit compliance review and possible action for Alpha Omega Winery located on the southeast side of Mee Lane approximately 760 feet northeast of its intersection with St Helena Highway (St Hwy 29) at 1155 Mee Lane, St Helena (APN: 030-080-046). Pursuant to the project's adopted conditions of approval, a compliance audit is required one year after completion of the facility subject to review by the Planning Commission.

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

**Staff Contact:** Trish Hornisher 299-1349 or [Patricia.Hornisher@CountyofNapa.org](mailto:Patricia.Hornisher@CountyofNapa.org)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

1. That the Planning Commission receive the status report, hear any testimony, and direct the Department to conclude the monitoring of this use permit.

**Discussion:** This is a one year use permit compliance status report regarding Alpha & Omega Winery production and tasting room facility on St. Helena Highway (State Highway 29) at Mee Lane. 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.

At the hearing for the original use permit approval on November 19, 2008, the Commission amended Standard Condition #12 to include a compliance review after six months and again after 12 months. The six month review was suspended due to on-going construction. Final inspection for the new production building and winery tasting room remodel occurred on December 22, 2008. This report represents the first compliance review since the final inspection.

Included as attachments to this report are: 1) Previously approved Conditions of Approval #P07-00869-MajMod; 2) A summary letter from Alpha & Omega Winery's CEO, Eric Sklar; 3) A list and status of all permits for the property going back to 1995; 4) A log of the winery's visitor and marketing event counts; 5) An analysis of the winery's 2009 production volumes; 6) Neighbor comment letters.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

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**

Alpha & Omega Winery, LLC., was approved by the Napa County Planning Commission on November 19, 2008. The Conditions of Approval modified the existing winery to include (among other entitlements): wine production not to exceed 100,000 gallons per year; tours & tasting and marketing visitors not to exceed a total of 53,600 per year; and, per a neighbor agreement, no increases to production or visitation prior to July 1, 2016. (See attached Conditions of Approval.) In addition, the Commission amended Standard Condition #12 to require: "Planning Commission review after six months and again after 12 months; the schedule of any subsequent review to be determined by the commission at its discretion."

Due to ongoing completion of construction of the new production building and remodel of the existing winery, the six month review was held over. This report provides the first compliance review covering a period of 12 months (2009). In accordance with the requirements of Condition #12, staff met with Alpha & Omega winery management to develop a compliance review submittal package showing successful use permit compliance. The submittal includes:

1. A letter from Alpha & Omega Winery management summarizing data results and neighbor comments;
  2. A list and status of all permits for the property going back to 1995;
  3. The winery log that tabulates daily, weekly and yearly visitation and marketing totals;
  4. An analysis of wine production totals for 2009 as reported on Alpha Omega's Tax Trade Bureau 5120 forms; and,
  5. Neighbor outreach letters and comments.
1. Management Summary Letter - This letter is attached for your review and gives a synopsis of the above listed

items submitted by Alpha & Omega management.

2. Permit Completion - A spreadsheet of permits for the property from 1995 to the present is attached. It shows that all permits are approved, completed or finalized with the exception of two. The two remaining permits are issued for a new well. The winery intends to drill the well in the near future. These permits must be extended or they will expire.

3. Visitation and Marketing Counts: A log for visitation and marketing covering 2009 and 2010 to date is attached. The winery was approved for combined Public Tours & Tasting and Marketing limited to a maximum of 400 visitors per day and a variable weekly maximum as shown on the attached Conditions of Approval, "Attachment B", not to exceed 50,800 Tours and Tasting visitors/yr and 2,800 Marketing visitors/yr for a grand total of 53,600 visitors/yr.

The attached log shows the daily, weekly and monthly break down of visitor totals for 2009 and 2010 to date. Those circled, represent visitor maximums that were exceeded within the specific time periods. Thus:

- a. Daily visitor counts were exceeded in 2009 only once (by 39 visitors) and in 2010 to date twice (by 9 and 100 visitors respectively);
- b. Weekly maximums in 2009 were exceeded only 5 times in 52 weeks and 6 times in 2010 to date;
- c. Monthly maximums were exceeded only once in January of 2009 and twice in January and February of 2010 to date;
- d. Yearly counts for both 2009 and 2010, however, are well within the annual allowance of 53,600 visitors. 2009 totaled just 34,184 visitors and 2010 to date totaled 24,471 visitors.

4. Production Volumes: Analysis of total wine production for 2009, indicates the winery is well within its production allowance of 100,000 gallons per year. Staff calculated total annual production in 2009 using the Napa wine industry approved production formula along with the owner provided 2009 Tax Trade Bureau Wine Premises Operations Reports (See attached spreadsheet). Staff determined Alpha & Omega's annual production in 2009 was 19,382 gallons. Wine Premises reports for 2008 & 2010 were not calculated since a full year was not submitted.

5. Neighbor Letters - Staff notes that Alpha & Omega took the initiative to contact their neighbors via email early in September. In general, neighbor comments are positive. Negative comments relate to parking occurring on Mee Lane. According to winery management, extra efforts have been made to inform the limo operators to park only on the winery premises. Conditions of Approval require Alpha & Omega to provide parking attendants for weekends May through September and crush days. Neighbors have commented in their letters that parking attendants at these times are lacking. (See attached Neighbor Letters.)

In conclusion, Alpha & Omega Winery is fully compliant in the area of production and overall annual visitation. Even though visitation was exceeded during a few day, week, month periods, these overages do not appear to be excessive or recurrent.

Neighbor comments are generally positive. Therefore, staff recommends the Planning Commission find the Alpha & Omega Winery in substantial compliance with the Conditions of Approval for the use permit with the exception that the winery owner comply with the previously approved condition of approval to station a parking attendant on weekends May through September and crush days.

## **SUPPORTING DOCUMENTS**

- A . Alpha & Omega Management Summary Letter
- B . Permit Completion Spreadsheet

C . Wine Production Review 2009

D . Tours & Tasting and Marketing Log

E . Neighbor Letters and Comments

F . Alpha & Omega Approved Conditions of Approval P07-00869-MajMod

Napa County Planning Commission: Approve

Reviewed By: John McDowell