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A Commitment to Service

Agenda Date: 2/2/2011
Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: Sean Trippi, Principal Planner - 299-1353
SUBJECT: Frank Family Vineyards / Two Year Status Report/ Use Permit Modification P06-0102-MajMod

RECOMMENDATION

FRANK FAMILY VINEYARDS / TWO YEAR STATUS REPORT - USE PERMIT MODIFICATION #P06-0102-MAJ MOD

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 Frank Family Vineyards. Pursuant to the project's adopted conditions of approval, a compliance audit is required two years after the issuance of a certificate of occupancy for the tasting room subject to review by the Planning Commission. The project site is located on a ±5.15-acre site on the east side of Larkmead Lane, between Silverado Trail and State Highway 29, approximately 2,400 feet north of State Highway 29 and approximately 100 to 200 feet south of the Napa River. (APN: 20-290-007) 1091 Larkmead Lane, Calistoga.

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

Staff Contact: Sean Trippi 299-1353 or sean.trippi@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Finds the Frank Family Vineyard Winery in substantial compliance with the Conditions of Approval of the use permit

2. Determines that monthly submittal of visitor logs is no longer required, but shall be made available to the Planning Division upon request pursuant to Use Permit Conditions of Approval #3.
3. Determines that well monitoring be reduced pursuant to Public Works requirements, and, that monitoring of waste water flows occur bi-annual or quarterly pursuant to Environmental Management requirements.

Discussion: This is a two year use permit compliance status report regarding Frank Family Vineyards. The Board of Supervisors approved this project, on appeal, in January, 2008. The final conditions of approval required the submittal of monthly reports regarding daily visitors, water use and wastewater flows two years after a certificate of occupancy was granted for the new tasting room. The tasting room was granted a certificate of occupancy in February 2009.

The Commission, after reviewing this status report and hearing from staff, the owner or his representative, and any interested members of the public, is asked to determine the project's compliance with the adopted conditions of approval, and direct staff accordingly. Staff believes the winery is operating in substantial compliance with the conditions of approval and recommends monitoring activities be curtailed.

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

The subject Major Modification for Frank Family Vineyards was approved by the Napa County Planning Commission on August 1, 2007. The Commission's action was subsequently appealed to the Board of Supervisors. The Board upheld the Commission's action on January 8, 2008.

The conditions of approval modified the existing winery to include (among other entitlements):

- (1) a maximum of 250 visitors Monday through Thursday and 350 visitors Friday through Sunday with a maximum of 2050 visitors per week. The maximum number of visitors allowed on site per day is the sum total of visitors for public tours and tasting, visitors for tours and tasting by prior appointment and visitors invited to marketing events;
- (2) a maximum yearly groundwater use allowance of 9.48 acre feet per year; and,
- (3) maximum peak daily wastewater flows of 8,360 gallons per day.

In addition, the applicant was required to submit reports addressing daily visitors, water use and wastewater flows for a period of two years after the new visitor's center authorized by the subject use permit modification was issued a certificate of occupancy. The results of the metered flow of water and wastewater, as well as the monthly visitor reports, were to be evaluated for compliance with these conditions of approval and reported to the Planning Commission two years after the issuance of a certificate of occupancy.

The applicant has submitted a letter summarizing the results of the required reports which are attached. It should be noted that the winery has been submitting reports regarding visitors, water use and wastewater since 2001.

Discussion:

1. Visitation: A log for visitation from February 2009 to December 2010 and 2010 to date is attached. As noted above, the winery was approved for a daily maximum for combined public and private tours and tastings, and marketing events for 250 visitors Monday through Thursday and 350 visitors Friday through Sunday. A maximum of 2050 visitors were allowed for the week.

The attached logs show the daily and monthly break down of visitor totals for the dates noted above. As outlined in the applicants summary, the visitor numbers were based on estimates of wine consumed and water used up to May of 2009. These calculations were based on a formula outlined by a previous use permit modification #00462. From May 2009 on tasting room counts are also provided.

According to the information submitted by the applicant, daily visitor counts were exceeded only once, on September 15, 2009, by two (2) people. Weekly maximums have not been exceeded during the period covered by these reports.

2. Water use: Groundwater use on the site was not to exceed 9.48 acre feet per year. Public Works has reviewed metering data provided by the Meibeyer Law Group for the period December 31, 2007 through December 31, 2010, and has concluded that Frank Family Vineyards has not exceeded the approved annual or daily water usage. The monthly water reports covering the period from February 2009 to December 2010 are attached.

3. Wastewater: The wastewater system designed for the winery was designed to process a peak daily flow of 8,360 gallons. According to the Department of Environmental Management, the meter readings submitted by Frank Family Vineyards indicate that the peak daily wastewater flow has not exceeded the design flow of 8,360 gallons per day during the period January 2009 through December 2010.

The Department of Environmental Management has determined, however, that the winery has not fully complied with conditions 1 and 2 of their memo dated June 13, 2007. The meter readings that are being submitted do not meet monitoring and reporting requirements. In addition to meter readings, the monitoring reports must include a report on the operation of the disposal field, septic tanks, pump operation, etc. Additionally, Frank Family has not completed the process to upgrade the water system as required.

4. Neighbor comments: Staff has not received nay comments from neighbors since the new tasting room was granted a certificate of occupancy.

In conclusion, Frank Family Vineyards is fully compliant in the area of water use and wastewater flows. Even though visitation was exceeded, it was only on one day by two people and has not been recurrent.

Therefore, staff recommends the Planning Commission find the Frank Family Vineyard in substantial compliance with the Conditions of Approval for the use permit with the exception that the winery owner comply with the previously approved conditions of approval #1 and #2 in the Department of Environmental Management memo dated June 13, 2007. It is further recommended that the submittal of the monthly visitor logs be eliminated, but still made available to the Planning Department upon request pursuant to condition of approval #3; that water well monitoring be reduced pursuant to Public Works requirements; and, that the monthly monitoring of waste flow be replaced by bi-annual or quarterly reports as determined by the Department of Environmental Management.

SUPPORTING DOCUMENTS

- A . Previous Conditions of Approval
- B . Visitor Reports
- C . Water Meter Readings
- D . Septic Reports

Napa County Planning Commission: Approve

Reviewed By: John McDowell