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Agenda Date: 3/7/2012

Agenda Placement: 9A

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: Domaine Carneros Use Permit Major Modification Application No. P10-00384 MOD

RECOMMENDATION

DOMAINE CARNEROS / DOMAINE CARNEROS LTD - USE PERMIT MAJOR MODIFICATION P10-00384-MOD

CEQA Status : Negative Declaration Prepared. According to the proposed Negative Declaration, the project would not have any potentially significant effects on the environment. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code sec. 65962.5.

Request: Use Permit Major Modification Approval of a Use Permit Modification to Use Permits #U-668687 and #00170-MOD which allow for a production of 432,000 gallons of wine within a 71,426 square foot facility. The modification requests approval of the following: (a) Reconfiguration of the existing parking lot to accommodate an additional 43 spaces and the construction of 23 additional spaces to yield a total of 144 parking spaces; (b) Modify approximately 2,400 square feet of interior floor area to change the building use from barrel storage to marketing space; (c) Revision of the existing marketing plan (U-91-11, two annual events of up to 300 people) to allow for two additional events per month with up to 50 guests and eight additional events per month with up to 25 guests; (d) Additional visitation of 100 people per day on weekdays and 600 visitors per day on the weekends for a total of 400 people Monday-Friday and 900 people Saturday and Sunday; (e) Food and wine pairing and (f) On-premise bottle consumption and retail sales pursuant to AB2004. No additional square footage, production, or increase in employees are included in this proposal. The 139 acre winery parcel is located at the intersection of Duhig Road and State Route 12 within an AW (Agricultural Watershed) zoning district. APN: 047-070-007. 1240 Duhig Road, Napa.

Staff Recommendation : Adopt the negative declaration and approve the requested use permit modification as conditioned.

Staff Contact: Kirsty Shelton, (707) 299-1377, Kirsty.Shelton@countyofnapa.org

CONTINUED FROM FEBRUARY 15, 2012 CANCELLED MEETING

EXECUTIVE SUMMARY**Proposed Action:**

That the Planning Commission:

1. Adopt the project negative declaration, based on findings 1-6 of Exhibit A; and
2. Approve use permit major modification No. P10-00384 based on findings 7-10 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion: The applicant requests approval of a major use permit modification to allow an increase of visitation (additional visitation subject to by-appointment only requirements) to a pre Winery Definition Ordinance winery from 300 people per day to 400 during weekdays and 900 on the weekends, approval of a marketing plan to allow for six 50 people and four 25 people events per month, construction of 23 spaces and improvement of 43 spaces for a total of 66 new spaces, offering the pairing of food with wine tasting, and the addition of AB 2004 (Evans) on-premise consumption within existing winery hospitality areas. Staff has no objections to this project and recommends approval with only minor changes to our standard conditions.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration Prepared. According to the project negative declaration, the project will not have a significant effect on the environment. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code sec. 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant : Domaine Carneros, P.O. Box 5420 (707) 257-0101

Representative (Attorney) : David Gilbreth, dbgilbreth@sbcglobal.net, (707) 337-6412

Zoning : AW (Agricultural Watershed)

General Plan Designation : Split AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space)

Filed : December 2, 2010 **Complete** : November 14, 2011

Existing Production Capacity: 432,000 gallons with no change proposed

Number of Employees - Existing : 15 part-time and 30-full time, no change proposed

Visitation - Existing: Public tours and tastings; 300 visitors per day

Visitation - Proposed: 300 Public tours and tasting per day and 100 by appointment per day only during the weekdays (Monday-Friday) and 300 public tours and tastings per day and 600 by appointment only during the weekends (Saturday and Sunday).

Hours of Operation - Existing: 8am - 6pm daily; no change proposed

Parking - as approved : 77 spaces

Parking - Proposed : Reconfiguration of 43 spaces, construction of 23 spaces for a total of 144 parking spaces.

Winery Coverage - Existing : 240,000 sq. ft. or 4% of the parcel; no change proposed

Adjacent General Plan Designation/ Zoning / Land Use:

North

AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space) General Plan designation
AW (Agricultural Watershed) zoning

DiRosa Art and Nature Preserve on a 53-acre site, a 256-acre vineyard parcel and a 166-acre vineyard parcel are located directly to the north across State Highway 12.

East

AWOS (Agricultural Watershed and Open Space) General Plan designation
AW (Agricultural Watershed) zoning

Mount St. John Cellars winery on a 4-acre site is located directly east of the intersection of Duhig Road and Highway 12.

South

Split AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space) General Plan designation;

AW (Agricultural Watershed) zoning

Cuaison Winery on a 206-acre site is located directly south across Duhig Road, three residential properties are located across Neuenschwander to the south at the south end of the property ranging in sizes from 0.85, 1.16, and 9.84-acres.

West

Split AR (Agricultural Resource) and AWOS (Agricultural Watershed and Open Space) General Plan designation
AW zoning

A 6.71-acre residential site borders the property to the northwest adjacent to the pond and a 59-acre vineyard site borders the remainder of the site to the west.

Parcel History and Evolution of this Application:

September 1987 (U-668687) – Planning Commission approves a new 49,060 square foot winery with a production capacity of 432,000 gallons per year with public tours and tastings.

September 1991 (U-91-11) – The Planning Commission approves a Use Permit modification to allow two annual benefit events with up to 300 guests per event.

October 1997 (96642-VAR) – The Zoning Administrator allows a decorative antique gate within the setback of Highway 12.

June 2001 (00170-MOD) – The Planning Commission approves a Use Permit to allow construction of 22,366 sq. ft. barrel storage building and increase the number of employees from 15 to 30 full-time and 5 to 15 part-time.

January 2002 (01284-MOD) - Administrative approval to allow the barrel building to be attached with a wall rather than an awning.

October 2007 (P07-00627 VMM) - Administrative approval to replace the existing process wastewater activated sludge ponds with an aerated lagoon process wastewater pond.

November 2011 (P11-00450VMM) - Administrative approval for one 10' x 20' and one 20' x 100' tents for temporary weather protection for winter special events.

Code Compliance History

Having discussed the application with our Enforcement staff, toured the property, and reviewed the Department's files, Planning Staff is not aware of any active code compliance issues on the subject parcel.

Discussion Points

Setting

The 138.46 acre subject parcel is located in the Carneros district which is located in the southwestern section of Napa County. Regional roadway access to the property is provided by State Route 12/121, which is the main east-west arterial connecting Napa and Sonoma County. State Route 12 abuts the project site along its northern boundary.

The Project

The physical changes proposed as a component of this application are really quite minimal. If the proposal did not include an increase in visitation, it would most likely have been approved at the Zoning Administrator level. This application would result in no new structures. To the extent that physical changes to the facility and its surroundings are proposed, they would not extend beyond limited paving to accommodate additional 23 parking spaces. The application is further requesting 2,400 square feet of interior modifications of the barrel storage building to accommodate marketing events. The other aspect of this application authorizes food and wine pairing and on-premise bottle consumption as per Assembly Bill 2004 (Evans).

Project Specific Conditions

Parking

At some point in the past the existing parking lot was re-stripped and re-configured from its approved 77 space lot to the existing 125 spaces. Use Permit #668687 authorized a total of 65 spaces and Use Permit # 00170-MOD authorized an additional 12, for a total of 77 spaces. Because this is a pre-WDO winery and the parking lot accommodations were increased, albeit without increasing the winery development area, staff wanted to ensure the as-built and the as-proposed parking spaces were clearly recognized. The current graded area that is set aside for the new construction of 23 spaces was approved under a grading permit, but not formally approved for parking under a use permit modification.

Visitation

The submittal materials referenced an "existing" number of visitors at 450 people per day and an average of 1,200 per week. Unfortunately, the original 1987 Use Permit did not reference a number of public tours and tasting visitors. The modification in 2001 referenced an average of 300 visitors per day and 700 per week in the application. This created ambiguity as to the "pre-WDO" amount of visitation. The applicant requested acknowledgement of a baseline of up to 900 visitors per day on the weekends and 400 people per day on the weekday based on a Declaration by the General Manager. After many meetings with the applicant and County Counsel, Staff determined that the submitted Declaration from the CEO may not be sufficient information based on past County practice to determine pre WDO baseline visitation. The declaration alone may not be enough information primarily because it lacks specific analysis, such as a log of tasting room visitors or receipts, or specific analysis; instead it was an extrapolation based on wine sales. Therefore, staff has relied on the 2001 application which permitted the 300 visitors per day, which is consistent with the original 1987 Use Permit septic feasibility report (1200 gallons which is about 360 visitors per day). At this point, staff is recommending that the Commission acknowledge the pre-WDO visitation of 300 people per day and the additional visitors be "by appointment only" and offer tasting for them in a separate area from the pre-WDO tasting room.

Marketing

The submittal materials requested to acknowledge "historical/pre-WDO" marketing events. Again, the information submitted was not sufficient to adequately reference them. Therefore, this application is requesting formal approval of a marketing plan to include (4) events per month with up to 50-guests and (6) events per month for up to 25-guests. All events will end by 10:00 p.m.

Consistency with Standards**Zoning**

The project is consistent with AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in connection with a winery (see Napa County Code § Section 18.16.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and those other requirements of the Zoning Code as applicable.

Building Division Requirements

The Building Division has reviewed this application and has no comments.

Fire Department Requirements

The Fire Marshal's office recommends approval with standard conditions. Please see their attached memo.

Department of Public Works Requirements

The Department of Public Works recommends approval with conditions. Please see their attached memo.

Department of Environmental Management Requirements

The Department of Environmental Management recommends approval with standard conditions. Please see their attached memo.

SUPPORTING DOCUMENTS

A . Exhibit A: Findings

B . Exhibit B: Conditions of Approval

- C . Agency Comments
- D . CEQA Negative Declaration
- E . Application and Submittal
- F . Declaration
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell