



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/7/2010
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: Joseph Cellars Winery Use Permit Application P09-00174-UP

RECOMMENDATION

J CELLARS WINERY / J CELLARS INVESTMENTS, LLC - USE PERMIT P09-00174-UP

CEQA Status: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following areas: Biological Resources and Transportation/Traffic. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: Use Permit No. P09-00174UP to establish a new 30,000 gallon per year winery with: 1) a 4,702 sq. ft. two-story winery building with a 2,009 sq. ft. exterior deck; 2) 15,798 sq. ft. of caves ; 3) a new left turn lane on State Route 29 at the approach to Quail Mountain Lane; 4) four full-time and four part-time employees; 5) 28 parking spaces; 6) tours and tastings by prior appointment only with a maximum of 75 visitors per day and 525 per week open 10 am - 6 pm; 7) a marketing plan with 104, 40-person marketing events, one 200-person release event, and participation in Auction Napa Valley; 8) improvement of an existing access driveway to winery road standards; 9) new domestic and process wastewater treatment systems with subsurface disposal; and, 10) installation of a 40,000 gallon fire protection water tank and associated water line. The project is located on a 25.96 acre parcel located on the west side of State Route 29 at its intersection with Diamond Mountain Road, within the AW (Agricultural Watershed) zoning district. APN: 020-180-058. 4455 St. Helena Highway, Calistoga

Staff Recommendation: Adopt the **revised** mitigated negative declaration and **revised** mitigation monitoring and reporting plan and approve the requested use permit subject to the **revised** conditions of approval.

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

CONTINUED FROM THE FEBRUARY 17, 2010 and MARCH 3, 2010 REGULAR MEETINGS

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Adopt the **revised** Mitigated Negative Declaration and **revised** Mitigation Monitoring and Reporting Program for the Joseph Cellars Winery, based on the findings 1-6 of **revised** Exhibit A, and;
2. Approve Use Permit P09-00174 based on findings 7-11 of **revised** Exhibit A and subject to the attached **revised** conditions of approval (Exhibit B).

Discussion:

This project was continued from the February 17, 2010 Planning Commission hearing at the request of the applicant. Since then, the applicant has had several meetings with the neighbors and has made the following described modifications to the proposal. The original staff report has not been amended to reflect these changes, below is a description and analyses of them. This application was not re-noticed because it was continued to a specific date. As per Section 15073.5 of the CEQA Guidelines recirculation of the negative declaration is not required as the revised project scope does not introduce any new significant impacts.

Project Revisions

1. The original proposal included utilizing the existing driveway. The revised project description includes construction of a new approximately 700 feet long and 20 feet wide driveway that diverts winery traffic through the existing vineyard.
2. The marketing plan has been reduced by limiting the 40 guest, bi-weekly marketing events to happen during weekday operating hours, proposing only twelve evening events on the weekends to end no later than 9:00 p.m., with clean up by 10:00 p.m. The original request was for all (104 annual) of the events to happen during the evening hours ending at 10:00 p.m. with clean up by 11:00 p.m.
3. The applicant has declared the following hours and operations:
 - a. Non-harvest truck traffic will be limited to the hours from 9:00 a.m. to 4:00 p.m., with a maximum of three trucks per day other than regular courier delivery trucks.
 - b. Winery operations from 8:00 a.m. to 6:00 p.m. and 7:00 a.m. to 6:00 p.m. for bottling operations.
 - c. Harvest operations from 7:00 a.m. to 7:00 p.m. unless weather or the conditions of the grape require additional time to avoid harm to the quality.
 - d. Tasting room operations from 10:00 a.m. to 6:00 p.m.
4. The applicant has included the following visual screening aspects:
 - a. In order to avoid visibility of the water tank from Highway 29 or Quail Mountain Road, the locations will be revised or proposed landscape elements to screen it.
 - b. In order to avoid visibility of the parking lot and solar panels, earthen or architectural screening will be proposed.

Staff is in support of the revisions. The changes reduce the visual and noise impacts to the surrounding neighbors. The County Public Works and Fire Departments have reviewed the driveway modifications and are also in support of the revisions. The Department of Transportation (Caltrans) has been included in the preparation of these amendments and will be forwarded a copy of the construction plans for final approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Environmental Determination: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following areas: Biological Resources and Transportation/Traffic. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

BACKGROUND AND DISCUSSION

Attached to this report are applicant-proposed project revisions and consequential revisions to the draft findings, conditions of approval and environmental documentation. Please refer to the February 17, 2010 Commission staff report and attachments for original project details and analysis.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval with strike through changes
- C . Exhibit B - Revised Conditions of Approval
- D . Revised Mitigated Negative Declaration
- E . Revised Mitigation, Monitoring, and Reporting Plan
- F . Revised Project Revision Statement
- G . Revised Public Works Comments
- H . letter from applicant's representative
- I . Revised Site Plan showing the new driveway

Napa County Planning Commission: Approve

Reviewed By: John McDowell