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Agenda Date: 4/7/2010

Agenda Placement: 9B

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: Mumm Napa Valley Marketing Plan - P09-00455-MOD

RECOMMENDATION

MUMM NAPA VALLEY WINERY / PERNOD RICARD – USE PERMIT MAJOR MODIFICATION REQUEST #P09-00455 MOD

CEQA Status: Negative Declaration Prepared. According to the Negative Declaration the proposed project would not have any potentially significant effects. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. The previously adopted Negative Declaration (Mumm Napa Valley Winery, #P07-00872-MOD) relating to the project is on file and available for public review in the Napa County Planning Division.

Request: Approval of a Use Permit Modification to modify Use Permits #U-627687, #95675-MOD, #99375--MOD, #P07-00872-MOD, and P09-00392-VMM to establish a marketing plan for winery events with no structural changes, no changes to annual wine production, and no changes to the public tours and tasting. The proposed marketing plan will include 2 events per week with a maximum of 20 persons; 2 events per month with a maximum of 50 persons; 2 events per year with a maximum of 75 persons; 3 events per year with a maximum 100 persons; and 4 events per year with a maximum of 180 persons, with participation in the wine auction. The project is located on a 73.16 ac. parcel on the west side of Silverado Trail approximately 3,500 feet south of its intersection with Sage Canyon Road (State Route 128) within an Agricultural Preserve (AP) zoning district (Assessor's Parcel #: 030-200-039), 8445 Silverado Trail, St. Helena.

Staff Recommendation: Adopt the Negative Declaration and approve the Use Permit Modification as conditioned.

Staff Contact: Kirsty Shelton 299-1377 kirsty.shelton@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Adopt the Negative Declaration based on findings 1-6 of Exhibit A (attached);
2. Approve Use Permit Major Modification #P09-00455 based on findings 7-11 of Exhibit A, and subject to the attached Conditions of Approval (Exhibit B).

Discussion:

This proposed modification request will establish a marketing plan to the existing winery originally approved in July of 1987 for Domaine Mumm Inc. The 1987 entitlement allowed for a 500,000 gallon per year, 136,700 sq. ft. facility with visitation open to the public without prior appointment. The number of anticipated visitors on the application included an average of 285 per day and 2,000 per week. From 1987-2008 several minor modifications to that use permit were approved and are described in the next section in more detail. In June of 2008, a major modification was approved which allowed for an increase in winery production from 500,000 to 850,000 gallons per year, construction of a new deck and storage sheds, expansion of the waste water treatment plant, and an increase to the total number of employees from 60 to 72, with no changes to visitation or marketing.

As a pre-Winery Definition Ordinance winery, it is very common for such older permits to not have an approved marketing plan. The proposal seeks approval of a marketing plan to allow events outside of, and in addition to public tours and tastings. These events will primarily consist of private food and wine pairings. The application was submitted after a code enforcement action was pursued due to similar events being advertised without prior authorization. The number of events is consistent with other wineries of this production size. The current establishment does not have a commercial kitchen, all of the events that include food are proposed to be prepared by County-permitted caterers with only washing of the china to occur at the project site.

Staff has visited the site along with the Department of Environmental Management and supports the application as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Negative Declaration Prepared and attached. According to the draft Negative Declaration the proposed project would not have any potentially significant effects. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. The previously adopted Negative Declaration (Mumm Napa Valley Winery, #P07-00872-MOD) relating to the project is on file and available for public review in the Napa County Planning Division.

BACKGROUND AND DISCUSSION

Owner: Penrod Ricard USA, LLC (formerly Mumm Napa Estates)

Applicant/Representative: Kay Philippakis, Attorney, Farella, Braun and Martel LLP

Zoning: AP Agricultural Preserve

General Plan Designation: Agriculture, Watershed, Open Space (AWOS)

Filed: October 15, 2009 and Revised on December 16, 2009 (referencing the marketing plan only).

Declared Complete: March 23, 2010

Winery Size (Existing): 132,607 sq.ft.

Winery Size (Proposed): NO CHANGE

Production Capacity (Existing): 850,000 gallons per year

Production Capacity (Proposed): NO CHANGE

Marketing (Existing): NONE

Marketing (Proposed):

2 events per week with a maximum of 20 persons;

2 events per month with a maximum of 50 persons;

2 events per year with a maximum of 75 persons;

3 events per year with a maximum 100 persons;

and 4 events per year with a maximum of 180 persons, with participation in the wine auction.

Visitation (Previously Approved): Public Tours and Tasting: There is no condition on the level of visitation, but past approved application materials (#U-628687) indicate pre-WDO approved visitation at 285 visitors per day and 2,000 per week. No use permit modifications for increases to visitation have been approved.

Visitation (Proposed): NO CHANGE

Number of employees (Previously Approved): 72 full-time and 30 part-time employees;

Number of employees (Proposed): NO CHANGE

Hours of operation (Previously Approved): 7am to 6 pm; seven days a week.

Hours of operation (Proposed): NO CHANGE besides during an approved event it would end at 10 pm, with clean up by 11 pm.

Parking (Previously Approved): 91 total off-street (50 customer four of them ADA,41 employee).

Parking (Proposed): NO CHANGE

Adjacent Zoning / Land Use:

North: A 25-acre parcel with Agriculture and Rural Residential land use designation and AP Zoning.

Southwest: A 140-acre parcel with Agriculture and Rural Residential land use designation and AP Zoning.

Southeast: A 5.75-acre parcel with Agriculture land use (ZD Wines Winery) and AP Zoning.

East: A 4-acre parcel with Agriculture and Rural Residential land use designation and AW Zoning.

West: A 11-acre parcel with Agriculture land use (Puerta Dorada Winery) and AP Zoning.

Property History:

The property is entirely developed with the existing winery, associated facilities and vineyard. The nearest point of the winery is setback approximately 165 feet down slope from Silverado Trail.

The following is a chronological summary of the use permit activities associated with this parcel:

1987: #U-628687 for a 500,000 gallon winery with public tours and tasting;

1988: Minor Modification administratively approved to increase visitor center by 400 sq. ft. (from 9,200-9,600 sq. ft.);

1989: Minor modification administratively approved for a standing alone visitor center with gravel terrace between enter and production center;

1990: SP 89-12 Entrance and signage administratively approved;

1996: #95675-MOD for visitor center store room expansion by 274 sq. ft. and enclosure of an existing 150 sq. ft. storage area;

2000: #99375 MOD for temporary trailer as office space for 24 months for up to 6 winery employees (now removed);

2008: #P07-00872 Major modification to increase winery maximum total production from 500,000 to 850,000 gallons per year; construction of an uncovered outdoor deck totaling 2250 sq. ft. and two new winery storage sheds totalling 3710 sq. ft., expansion of the waste water treatment system, and increase in the total number of employees from 60 to 72;

2009: #P09-00392 VMM Very Minor Modification to include modest food service, such as cheese plates to complement existing wine tasting.

Code Compliance History

A Notice of Violation (attached) dated July 28, 2009 was mailed to the operator directing them that marketing events were not approved as part of their use permit. A response letter (attached) dated August 17, 2009 was received that these events would cease until a modification was submitted and approved.

Discussion Points:

Tours and Tasting Visitors and Marketing Events

The application documents for this proposal show the existing maximum average public tours and tasting visitors to be 1,000 per day and 2,900 per week. The County has on file in the application materials for the original Use Permit #628687 a maximum average of 285 per day and 1,000 per week. Staff has discussed this discrepancy with the applicant and we both agree that the public Tours and Tasting number remain unchanged (285 per day and 1,000 per week) unless substantial evidence is submitted by the applicant to the contrary and provided a determination pursuant to Napa County Code section 18.132.050 (G.) is approved by the Zoning Administrator. The marketing events will be additional/seperate visitation numbers. Most events are expected to take place outside of normal business hours. However, in the event that an event over fifty invited guests does take place during normal operating hours, the applicant has agreed to close the facility to the public.

Catering and Commercial Kitchen

The Napa County Environmental Management Department has conducted a site visit and reviewed the existing scenario for conducting special events. Because the site lacks a commercial kitchen, all of the event related food preparation will be prepared offsite (or by a fully contained mobile facility) and by fully permitted in Napa County professional caterers utilizing their own equipment. The kitchen located within the facility is dedicated to staff use only. For the events held for twenty guests or less, the environmental management department did review the use of the dishwasher within the tasting room so that they can use their own china and glassware, a condition of approval has been included to apply for the appropriate permits to allow this.

11. Traffic

The applicant has submitted a traffic impact report (*Focused Traffic Analysis for Mumm Napa Estates by W-trans dated October 14, 2009*) which analyzes existing and proposed traffic conditions. It was determined that the existing northbound left-turn lane on Silverado Trail at the existing Mumm Napa Estates driveway will adequately accommodate the estimated stacking length of 50 feet, or two vehicles, needed under conditions with the addition of traffic associated with the largest proposed special event.

Consistency with Standards:Zoning

The project is consistent with AP (Agricultural Preserve) 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 AP district with an approved use permit.

Building Division Requirements

No improvements are proposed. However, a building permit will be required for any updating of commercial equipment.

Fire Department Requirements The Department recommends approval with standard conditions incorporated into the project.

Public Works Department Requirements The Department recommends approval with standard conditions incorporated into the project as per their memo dated March 26, 2010.

Environmental Management Department Requirements

The Department recommends approval with project specific conditions for the handling of the china for 20 people or less and the preparation of food from off-site approved Napa County permitted caterers per their attached memo dated March 24, 2010.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Public Works Conditions of Approval
- D . Environmental Management Conditions of Approval
- E . Negative Declaration
- F . Application Materials
- G . Traffic Study
- H . Code enforcement correspondence
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell