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Agenda Date: 5/6/2009

Agenda Placement: 9A

## 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:** Mary M Doyle, PLANNER - 299-1350  
**SUBJECT:** Pavitt Family Vineyards Use Permit #P06-01426 UP

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### **RECOMMENDATION**

#### **PAVITT FAMILY VINEYARDS / SHANE & SUZANNE PAVITT - USE PERMIT REQUEST #P06-01426 UP**

**CEQA Status:** Categorically exempt pursuant to Section 15303, Class 3 ("New Construction or Conversion of Small Structures") of the California Environmental Quality Act; and Appendix B, Class 3 ("New Construction or Conversion of Small Structures Item# 10: Small Wineries") of Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

**Request:** Approval of a use permit for a 10,000 gallon per year winery to include the following: (1) use of the existing 3,360 square foot agricultural structure for the winery operations and activities, an administrative office, restrooms, a 164 square foot laboratory, barrel & case good storage; (2) new construction of a 170 square foot outdoor crush pad to be located at the southeast corner of the existing agricultural structure; (3) installation/completion of a new winery waste water system, a pretreatment with drip irrigation to be in the vineyard and 3 holding tanks totaling 30,000 gallons; (4) mobile bottling; (5) four parking spaces; (6) one full time and 2 part time employees; (7) tours and tasting by appointment only (Sunday-Saturday from 7 a.m.-5 p.m.) with a maximum of 10 visitors per week; (8) a marketing plan to include 8 private wine and food tastings for the wine trade with a maximum 10 people per event and one private Harvest event with a maximum of 30 guests. The project is located on a 22.84-acre parcel on the east side of Silverado Trail, approximately 600 feet north of its intersection from Dunawee Lane within an AW (Agricultural Watershed) zoning district (Assessor's Parcel#: 020-350-026) 4660 Silverado Trail, Calistoga.

**Staff Recommendation:** Find the project categorically exempt and approve the use permit with the proposed conditions of approval.

**Staff Contact:** Mary Doyle, 299-1350 or [mdoyle@co.napa.ca.us](mailto:mdoyle@co.napa.ca.us) [mdoyle@co.napa.ca.us](mailto:mdoyle@co.napa.ca.us) [mdoyle@co.napa.ca.us](mailto:mdoyle@co.napa.ca.us)

## **EXECUTIVE SUMMARY**

### **Proposed Action:**

1. That the Planning Commission find the project categorically exempt;
2. That the Planning Commission approve Use Permit #P06-01426-UP based on findings 2-6 of Exhibit 'A' and subject to the attached conditions of approval (Exhibit 'B').

### **Discussion:**

This use permit request (P06-01426-UP) and associate variance request (P06-01427 VAR) were heard by the Planning Commission on April 2, 2008 and again on December 17, 2008. At the December 17th hearing, the Commission voted to deny (3-2 vote) the variance to allow conversion of the existing barn that sits within the 600 ft. winery setback from Silverado Trail. Because the Commission denied the variance, no action was taken on the use permit.

The property owner appealed the variance denial which was heard by the Board of Supervisors on March 17, 2009. The Board voted (3-2) to grant the appeal and approve the variance request. On April 14, 2009, the Board adopted Resolution No. 09-40 (attached as Exhibit C) including remanding the winery use permit application to the Planning Commission for action. The Commission should now consider if the requested use permit, including proposed production volume, visitation and marketing are appropriate for the building that the majority of the Board of Supervisors has authorized a winery setback variance. At 10,000 gallons per year with 10 visitors per week and 9 marketing events (of which 8 will be limited to 10 persons attending), the proposed winery is on the smaller size of wineries typically heard by the Commission. Staff is recommending approval of the project with inclusion of the attached proposed conditions of approval.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is categorically exempt pursuant to Section 15303, Class 3 ("New Construction or Conversion of Small Structures") of the California Environmental Quality Act; and Appendix B, Class 3 ("New Construction or Conversion of Small Structures Item #10: Small Wineries") of Napa County Local Procedures for Implementing the California Environmental Quality Act. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section.

## **BACKGROUND AND DISCUSSION**

**Owner/ Applicant:** Shane and Suzanne Pavitt

**Zoning:** Agricultural Watershed - AW

**General Plan Designation:** Agriculture, Watershed & Open Space - AWOS

**Filed:** November 11, 2006

**Building size:** The existing 2-story structure is 3,360 total sq. ft.

**Production Capacity:** 10,000 gallons per year proposed

**Proposed Visitation:** 4 visitors per day, 10 per week by prior appointment only

**Proposed Marketing:** 8 private wine events with catered food with a maximum of 10 visitors, and one private harvest event with a maximum of 30 visitors. In summary, a total of 9 events per year are proposed, having from 10 to 30 guests, event dependent.

**Number of Employees:** One full time employee and 2 part-time employees

**Hours of Operations:** 7a.m.-5 p.m. Sunday-Saturday

**Parking:** 4 on-site parking spaces

**Please refer to previous staff reports, attached, for details and history on the proposal.**

The comments from other departments and agencies have been updated/revised to reflect current conditions/regulations. With the exception of Environmental Management, all other department have updated/revised their comments. The revised comments are included as item #11 of the Conditions of Approval (Exhibit 'B').

**Issues:**

1. Neighbors - Staff continues to hear from neighbors who participated in earlier hearings. It appears that the applicant and neighbors will not be able to work out their differences. Staff believe that modifications to the project design, such as moving the crush pad to the south side of the building, adequately addresses concerns about noise. Proposed marketing and visitation levels are relatively low, and should not impact neighbors.
2. Turn Lane - The applicant has provided a new focused traffic study (dated April 22, 2009) to Public Works requesting relief from the proposed condition of approval requiring installation of a left turn lane on Silverado Trail (Exhibit 'J'). As of the printing of this report, Public Works Staff were still evaluating the revised traffic study (Exhibit 'K') to determine if they support elimination of the left turn requirement. Public Work Staff should be able to complete their evaluation prior to the meeting, and their final recommendation will be forwarded to the Commission as soon as possible. A copy of the study is attached. The existing access to/from Silverado Trail currently is constructed to a residential driveway standard (approximately 11 feet in width at the existing gate then narrows to 10 feet wide up to the residence), and must be modified and realigned to facilitate safe future vehicular movements for the operational activities of the winery as well as the activities of the vineyard once it is installed.
3. Signage / Landscaping - It is recommended that the Commission consider the signage and landscape screening needs for the project given its proximity to Silverado Trail. Staff believe the proposed landscape plan provides sufficient softening of the views from Silverado Trail. No signage has been proposed at this time by the applicant. Staff is recommending that no signage be allowed on the building, but that standard ground mounted signage be allowed at the entrance.
4. Building Permit - The existing agriculture building has been constructed under the still open Building Permit B04-00363. B04-00363 will be closed out as part of converting the structure to a winery. The

agriculture building will require a new building permit for commercial/winery use under the current Building Codes.

**SUPPORTING DOCUMENTS**

- A . Findings
- B . Conditions of Approval
- C . Resolution # 09-40
- D . Appeal Staff Reports (Apr 14, Mar 17)
- E . FIRE Comments
- F . Building Comments
- G . Public Works Comments
- H . Environmental Management Comments
- I . Application Materials
- J . Supplemental Application Materials
- K . Additional Application Materials
- L . Neighbor Comments
- M . Additional Neighbor Comments
- N . Previous Staff Reports (12/17/08 & 4/2/09)
- O . Previous Public Comments (1)
- P . Previous Public Comments (2)
- Q . Additional Previous Public Comments
- R . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell