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A Commitment to Service

Agenda Date: 7/7/2010  
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:** RONALD GEE, PLANNER III - 707.253.4417  
**SUBJECT:** Robert Sinskey Winery - Use Permit # P09-00480-UP

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### **RECOMMENDATION**

#### **ROBERT SINSEY WINERY / SINSEY VINEYARDS, INC. - ROBERT SINSEY WINERY USE PERMIT # P09-00480-MOD**

**CEQA Status:** Negative Declaration has been prepared. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

**Request:** Approval to allow major modification to Use Permit # 94099-MOD to: 1) expand winery production capacity from 65,000 gallons/year to 143,000 gallons/year; 2) expand and relocate the demonstration kitchen with 662 square feet of additional kitchen area and 1,261 square feet of new seating area; 3) expand the existing winery facility with a 2,937 square foot second-floor winery office wing and first-floor 801 square foot office addition; 4) expand the existing west-side, outdoor terrace by 1,500 square feet; 5) increase parking from 30 to 62 spaces with a new parking lot; 6) increase the number of full-time employees from six to ten and part-time employees from three to five; 7) construct a new wastewater disposal system; 8) modify the existing marketing plan to increase the average number of food and wine seminar attendees from 30 to 36, allow up to 75 visitors/day (55 average) for private tours and tastings and modest food service, add a new once-monthly evening marketing event for up to 80 people and new twice-yearly marketing events with food service for up to 150 visitors, all evening events would be held between the hours of 6:00 pm and 11:30 pm with clean-up permitted until 12:00 am; 9) modify four 1994 Use Permit conditions of approval and four mitigation measures which restricted winery operations to accommodate a former neighbor; and 10) allow retail sales of produce and animal products grown, raised or produced on the winery property and adjacent parcel, also owned by the applicant's family.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit with the recommended conditions of approval.

**Staff Contact:** Ronald Gee, 707-299-1351, or [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org)

**EXECUTIVE SUMMARY****Proposed Action:**

That the Planning Commission:

1. Adopt the Negative Declaration for Use Permit # P09-00480-MOD based on findings 1-6 of attached Exhibit A - Findings.
2. Approve Use Permit # P06-00480-MOD based on Use Permit findings 7-16 of attached Exhibit A - Findings, and subject to attached Exhibit B - Conditions of Approval.

**Discussion:**

The proposal is a Major Modification request to Use Permit # 94099-MOD to increase winery production from 65,000 gallons/year to 143,000 gallons/year, enlarge the winery building, expand and refine the marketing plan, allow installation of a new parking lot and wastewater treatment system and new retail sales of produce and animal products grown on the winery property and adjacent parcel, also owned by the applicant. The existing outdoor terrace will be expanded and parking will increase from 30 to 62 spaces with a new parking lot. The number of full-time employees would increase from six to ten and part-time employees from three to five. In addition, four 1994 Use Permit conditions of approval and four mitigation measures which restricted winery operations to accommodate a former neighbor are proposed.

The proposed winery expansion is attractive and will be partially screened with additional environmentally-friendly and productive landscape improvements. New parking and other site improvements will accommodate the more than doubled level of production.

The requested increases in the number, average size and frequency of marketing events are appropriate. Earlier permit conditions limited the number and size of marketing events and winery operations due to neighbor concerns about noise and light impacts. The applicant has purchased the adjacent property to the south and these impacts are no longer issues subject to Code Enforcement action.

The only issue of concern in the request is whether the hours of new evening marketing events should be expanded to 11:30 PM from the standard 10:00 PM closure required at other wineries.

Staff recommends approval of the proposed Major Modification of Use Permit request.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project will not have any potentially significant environmental impacts. The public review period for the proposed Negative Declaration occurred between June 17, 2010 through July 7, 2010. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owners:** Sinskey Vineyards, Inc. dba Robert Sinskey Winery

**Applicant:** Robert Sinskey

**Representative:** Katherine A. Philippakis, Farella Braun + Martel LLP

**General Plan Designation:** Agriculture, Watershed & Open Space, 2008 Napa County General Plan

**Zoning:** AW (Agricultural Watershed) District

**Filed:** October 29, 2009

**Declared Complete:** March 11, 2010

**Winery Size (Existing):** 11,163 square feet (structures)

**Winery Size (Proposed):** 15,105 square feet (structures) and 17,509 square feet (caves)

**Production Capacity (Existing):** 65,000 gallons/year

**Production Capacity (Proposed):** 143,000 gallons/year

**Marketing (Existing):**

Unspecified number of educational food and wine seminars with a maximum of 50 persons

(historically occurring once/day, 5 times/week);

28 events per year, 14 of which with a maximum 12 or fewer persons

**Marketing (Proposed):**

Daily private tours/tasting with a maximum 75 persons;

5 events per week with a maximum of 50 persons;

1 event per month with a maximum of 80 persons;

28 events per year with a maximum of 75 persons;

2 events per year with a maximum 150 persons.

**Visitation (Previously Approved):** Use Permit # U-90-7 allowed 132 public visitors/day.

**Visitation (Proposed):** NO CHANGE

**Number of employees (Previously Approved):** 6 full-time and 3 part-time

**Number of employees (Proposed):** 10 full-time and 5 part-time

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

**Hours of operation** (Proposed): NO CHANGE except all evening events would be held between 6:00 PM and 11:30 PM, with clean up by 12:00 AM

**Parking** (Previously Approved): 30 total off-street (20 customer, 10 employee, 1 loading, including 2 ADA)

**Parking** (Proposed): 62 total off-street (47 customer, 15 employee, 1 loading, including 4 ADA)

### **Adjacent Zoning / Land Uses:**

North	Rural Residential, Agriculture	AW	46.36 acres (29.44 and 16.92 acres)
South/East	Rural Residential, Agriculture	AW	30.7 acres
West	Rural Residential, Agriculture	AP	19.96 acres (18.96 and 1.0 acres)

### **Nearby Wineries (within 0.5 mile of the project site):**

Gemstone Winery, 7153 Silverado Trail, Approved: 2004, Producing: 10,000 gallons/year, No tours/tasting;

Poetry Winery, 6390 Silverado Trail, Approved: 2006, Producing: 12,000 gallons/year, By appointment only;

Kapcsandy Winery, 1001 State Lane, Approved: 2001, Producing: 20,000 gallons/year, By appointment only;

Cliff Lede Vineyards, 1473 Yountville Cross Road, Approved: 1979, Producing: 60,000 gallons/year, Public tours/tasting;

Baldacci Family Vineyards, 6236 Silverado Trail, Approved: 1986, Producing: 20,000 gallons/year, By appointment only; and

Shafer Vineyards, 6154 Silverado Trail, Approved: 1979, Producing: 200,000 gallons/year, By appointment only.

### **Property History**

Use Permit # U-368586 was approved on February 4, 1987 to allow a 24,000 gallons/year winery, including public tours and tasting. Use Permit # 388384 expanded production to 60,000 gallons/year in two phases on February 1, 1984 (with a later, one-year time

extension approval on February 11, 1985). Use Permit # U-90-7 expanded production capacity to 65,000 gallons/year on March 12, 1991 with accessory Sign Permit # 89-3 for an identification sign. The Board of Supervisors denied the appeal of Irving Thomas, Jr. and approved Use Permit # 94099-MOD on March 28, 1995 (after an earlier December 24, 1991 Planning Commission approval), to modify the 1991 permit by expanding normal crush and operating hours, modifying lighting and noticing requirements for marketing events, revising permit terminology regarding crush grape deliveries and reducing restrictions regarding non-metallic bins and use of electric forklifts only; this use permit modification request was the result of the appellant/neighbor's zoning enforcement referral). Use Permit # 97431-MOD was approved May 1, 1998 to allow 7,685 square feet of new caves, for storage purposes only, and installation of ten new fermentation tanks with no increase in production capacity or other aspects of the operation.

### **Code Compliance History**

A 1994 permit compliance referral prompted Use Permit Application # 94099-MOD to modify Use Permits # U-90-7 and # U-368586 conditions rather than complying with the original permit conditions, as written.

### **Discussion:**

1. The current Major Modification request to Use Permit # 94099-MOD would: a) expand winery production capacity from 65,000 gallons/year to 143,000 gallons/year; b) expand and relocate the demonstration kitchen with 662 square feet of additional kitchen area and 1,261 square feet of new seating area; c) expand the existing winery facility with a 2,937 square foot, second-floor winery office wing and first-floor, 801 square foot office addition; d) expand the existing west-side, outdoor terrace by 1,500 square feet; e) increase parking from 30 to 62 spaces with a new parking lot; f) increase the number of full-time employees from six to ten and part-time employees from three to five; g) construct a new wastewater disposal system; h) modify the existing marketing plan to increase the average number of food and wine seminar attendees from 30 to 36, allow up to 75 visitors/day (55 average) for private tours and tastings and modest food service, add a new once-monthly evening marketing event for up to 80 people and new twice-yearly marketing events with food service for up to 150 visitors, all evening events would be held between the hours of 6:00 PM and 11:30 PM with clean-up permitted until 12:00 AM; i) modify four 1994 Use Permit conditions of approval and four mitigation measures which restricted winery operations to accommodate a former neighbor; and j) allow retail sales of produce and animal products grown, raised or produced on the winery property and adjacent parcel, also owned by the applicant's family.

In the main winery building, the demonstration kitchen will be expanded and relocated; an open patio area will be enclosed to increase the kitchen area by 662 feet with an additional

1,261 seating area. An 801 square foot expansion of existing first-floor office space will be included. The existing second-story, 831 square foot laboratory/office/employee restroom area will become a new, second-floor winery office wing of 2,937 square feet. The outdoor terrace area will be expanded by 1,500 square feet on the west and south sides. New construction will total 3,942 square feet in area with 24,893 square feet of site work (28,835 square feet total). The new construction will increase the winery building area to 15,105 square feet. No change to the existing 17,509 square feet of cave area is proposed.

The applicant requests marketing plan modifications while maintaining existing levels of public visitation and the number of educational food and wine seminars. Use Permit # U-90-7 limits daily visitation to a maximum of 132 public visitors/day. There is one daily (five/week average) seminar limited to 50 people and 28 annual marketing events outside normal winery operation hours, 14 of which are limited to 12 or fewer visitors. Requested modifications include: a) increasing the average number of people attending seminars limited to 50 people maximum, five/week; b) to allow up to 75 visitors/day for private tours and tastings with "modest food service" (i.e., hors d'oeuvres and appetizers), using the northern private seating area when no seminars are scheduled; c) new, once monthly evening marketing events (12 events/year) with hors d'oeuvres or catered dinner service for up to 80 visitors; and d) new, twice-yearly, marketing events with food for up to 150 people. In addition, winery hours of operation would continue to be from 7:00 AM to 6:00 PM, except during crush season. While office use is not included in this limitation, all evening marketing events are proposed to finish by 11:30 PM with clean-up finished by midnight.

Food service provided for the education and development of visitors with respect to wine and part of the winery's overall wine tasting experience do not constitute restaurant operations. Wine and food seminars and pairings are consistent with the Wine Definition Ordinance. The winery has an existing kitchen that will be expanded. There is no set menu or regular meal service provided. Food prepared for visitors is specifically for wine and food pairings only. No cooking school operation is proposed or allowed.

The new process waste water (PWW) treatment system will augment the existing, conventional septic system; they will both be located in the front yard area, within the front vineyard and lavender fields, between Silverado Trail and the parking lots. No existing vineyard area will be removed with new treatment system installation; a portion of the existing lavender field, located above 1,600 feet of existing leach lines, will be utilized for additional leach line expansion. The proposed 3,940 square foot, sub-surface flow constructed wetland (CW) will employ a biological treatment system to increase system capacity and retention time. The CW will receive PWW from winery processing only; domestic waste water from the winery will remain separate PWW and be managed through the existing on-site septic system. The combined treatment systems are part of a larger, integrated water system at the winery to reduce water use, conservatively estimated

to result in a 50% reduction in process water used..

According to the applicant's engineer, the CW will receive PWW from designated tanks where settling and primary treatment occur. Dissolved materials are bio-degraded through a bio-geo matrix consisting of a sealed pond filled with aggregate and selected plants. PWW is introduced at one end of the rectangular CW bed and passes through the length of the bed before collection and outflow at the other end. The bio-geo matrix provides a large surface area and symbiotic rhizosphere for microbes and bacteria to perform the breakdown/digestion of organic compounds found in the PWW. Once the process wastewater has been treated, it is suitable for discharge to a holding tank, then pumped to a disposal or irrigation field. Any odors produced by the system will comply with all permit requirements. To construct the CW, approximately 100 cubic yards of soil will be transferred from the new parking lot cut and will be placed behind a new, two-to-three foot high retaining wall; the wall will be located behind the existing water retention basin along parcel frontage.

Through a Memorandum of Understanding between the San Francisco Bay Regional Quality Control Board (RWQCB) and County Department of Environmental Management (DEM), the new system must first be approved by the RWQCB before the DEM can approve it as a viable, "Alternative Sewage Treatment System".

An existing 24-foot wide, driveway from Silverado Trail provides shared access to the winery and adjacent rural residential site. An existing two-section, customer/employee parking lot contains 30 parking spaces with a separate loading space. A new 32-space parking lot, interspersed with fruit tree parking islands, is proposed southwest of the existing lot. The new parking area will be constructed with pervious concrete that allows permeability for both air and water; the pervious concrete will be planted with a soil and seed mix to "green" the parking area consistent with an all-weather, dust free surface and severely reduce any surface drainage. At the southeast corner of the main driveway, a new designated limousine-parking pocket will be installed.

The request to allow retail sales within the winery of certain agricultural products (including produce and animal products) grown, raised or produced on the property, is allowed in County Code Section 18.20.030.O. The winery currently uses produce grown on-site as the source for their food and wine pairings. Retail sales would be consistent with existing winery operations.

The proposed winery expansion, parking and other site improvements will accommodate the more than doubled level of production. Earlier permits limited the number and size of marketing events due to neighbor concerns about winery noise and light impacts. The requested increases in the number, average size and frequency of marketing events are appropriate. The applicant has purchased the adjacent property to the south and these impacts are no longer issues subject to Code Enforcement action. Existing permits allow

after-hour marketing events to occur from 6:00 PM until 11:00 PM, with visitors leaving by 11:30 PM and clean-up by caterers until 12:00 AM. While the earlier, 28 annual marketing events should still abide by these hours, the new, monthly events with up to 80 visitors and twice-yearly events with 150 people should conform with current, standard marketing event hours that end at 10:00 PM.

2. The subject property is located on the east side of Silverado Trail, about 2.5 miles south of Yountville Cross Road, within the AW (Agricultural Watershed) zoning district and the Agriculture, Watershed & Open Space land use designation of the 2008 Napa County General Plan. As detailed below, the proposed winery expansion and use complies with all requirements of Use Permit Findings and 2008 Napa County General Plan policies. There is no existing Napa County Agricultural Preserve Contract on the property.

3. The attached Initial Study/Negative Declaration did not identify any potentially significant environmental effects of the project and no mitigation measures are required. Mitigation measures included as part of the earlier Mitigated Negative Declaration for Use Permit # U-90-7 to address winery operation concerns by a neighbor about Noise and facility lighting. These mitigation measures include: a) limitation of winery hours of operation, including evening marketing events; b) restrictions on exterior lighting; c) restrictions on the winery's ability to advertise; and d) limitations on the number of parking spaces and tour bus unloading. Since the adjacent property was purchased the applicant, these standard features of winery operations no longer present potentially significant impacts. Winery hours of operation, exterior lighting, on-site parking and signage will be regulated by standard use permit conditions of approval.

4. All reviewing departments/agencies have found the project as proposed to be consistent with their respective requirements and regulations. The proposed project is consistent with applicable standards as set forth in the attached Findings and Conditions of Approval.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Prior Use Permits
- D . Fire Department Comments
- E . Public Works Department Comments
- F . Department of Environmental Management Comments - Part I
- G . Department of Environmental Management Comments - Part II
- H . Initial Study / Negative Declaration
- I . Traffic Analysis - Part I
- J . Traffic Analysis - Part II



- K . Use Permit Application - Part I
- L . Use Permit Application - Part II
- M . Demonstration Kitchen Statement
- N . Demonstration Kitchen Photos
- O . Greenhouse Gas Emission Reduction Measures
- P . Exhibits

Napa County Planning Commission: Approve

Reviewed By: John McDowell