



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/3/2011

Agenda Placement: 9B

## 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 Winery / One Year Status Report/ Use Permit P06-01426 UP

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### **RECOMMENDATION**

#### **PAVITT FAMILY WINERY/ONE YEAR STATUS REPORT - USE PERMIT #P06-01426 UP**

**CEQA Status:** The proposed action is not a project as defined by 14 California Code of Regulation 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**Request:** Use Permit compliance review for Pavitt Family Winery. Pursuant to the project's adopted conditions of approval, a compliance audit is required one year after the issuance of a certificate of occupancy subject to review by the Planning Commission. The project site is located on a 22.84-acre site on the east side of Silverado Trail, approximately 600 feet north of its intersection from Dunaweal lane within an AW (Agricultural Watershed zoning district. (APN: 020-350-026) 4660 Silverado Trail, Calistoga.

**Staff Recommendation:** Take public testimony, evaluate the project's compliance with conditions of approval and applicable standards, and provide direction to staff on any outstanding compliance issues.

**Staff Contact:** Mary Doyle 299-1350 or [mary.doyle@countyofnapa.org](mailto:mary.doyle@countyofnapa.org)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

That the Planning Commission:

1. Finds the Pavitt Family Winery in substantial compliance with Use Permit P06-01426 UP and direct the Department to conclude monitoring activities.

**Discussion:** This is a one year use permit compliance status report regarding Pavitt Family Winery. The Planning

Commission approved this project on May 6, 2009.

The Commission, after reviewing this compliance report and hearing from staff, the owner or his representative, and any interested members of the public, is asked to determine the project's compliance with the adopted conditions of approval, and direct staff accordingly. Staff believes the winery is operating in substantial compliance with the conditions of approval and recommends monitoring activities be curtailed.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

The Pavitt Family Winery was approved by the Napa County Planning Commission on May 6, 2009 for a 30,000 gallon per year facility with limited visitation and marketing located on the east side of Silverado Trail less than a quarter mile north of Dunaweal Lane. The approval included a winery setback variance to allow an existing barn located within the 600 ft. setback from Silverado Trail to be converted for winery use. During the hearing process, several neighbors objected to the proposal primarily expressing concerns that the facility would not be operated in compliance with standards. At the conclusion of the hearings, the Commission approved the project with a condition requiring the project to return to the Planning Commission for a compliance review one year after opening. The winery was completed in August of 2010.

#### **Project Modifications:**

Since the approval of the winery, the following three administrative modifications have occurred during construction of the facility:

1. **Winery Wastewater System:** The winery wastewater system was changed from a special design mound system to a standard tank and dispersal field design, which was approved by the Environmental Management Department.
2. **Parking:** The parking area was relocated across from the southern (front) side of the winery to the west (street) side of the structure.
3. **Entrance:** The existing two-way residential driveway and entry gate, which was required to be widened to meet Fire Department standards, was converted to a separated loop driveway. This alternative design was approved by the Fire Marshall.

#### **Compliance Report:**

Regular inspections of the facility were conducted by Building Division during project construction. Planning

Division, Environmental Management Department, and Public Works Department Staff also performed several inspections including final occupancy reviews. Construction of the facility did not result in any documented violations, and the permittee was responsive to inspection requests made by all departments. The facility was authorized to commence production and visitation activities in August 2010.

Since August of last year, one neighbor complaint was received about a recreational vehicle being parked in front of the winery and outdoor storage occurring behind the building (north side). Before Staff contacted the permittee, the neighbor called again stating that the recreational vehicle had been moved. It was found that the storage behind the winery was mostly related to residential use. The permittee was contacted and the outdoor storage was cleaned up. It appears that some of the items stored behind the winery were moved into a small residential storage building recently constructed approximately 30 ft. west of the winery toward Silverado Trail. This structure is less than 120 sq. ft. and consequently does not require a building permit. No winery related storage was occurring within the structure upon inspection, and therefore the structure is not subject to the winery building setback. The structure does comply with setbacks for residential accessory buildings.

As part of this review, Planning Division Staff reviewed the permittee's website and conducted a general internet search on the winery. The permittee's website notes that visitation is conducted by prior-appointment, and all events and marketing activities appear completely compliant with the use permit.

Planning and Building Division Staff also conducted approximately 10 informal drive-by (windshield) inspections during the course of the last year while in transit to or from other up valley site visits. In those cases, no winery use permit violations were observed. The winery was well kept and the level of activity was quite minimal. In most cases, there were no cars parked in front of the facility.

Planning Division conducted one site visit several weeks ago specifically in regard to this compliance review. During the site visit, all project improvements appeared fully compliant with regulations. Staff have asked the applicant for documentation of visitation and marketing plans, but did not request TTB (Taxation and Trade Bureau) wine production forms to monitor the amount of wine produced. Based on Staff's observations of site conditions and the small size of the winery, it is quite apparent that the permittee is producing less than the authorized 30,000 gallons of wine per year.

In conclusion, Staff believe the Pavitt Family Winery is being operated in full compliance with County standards and within the limitations of the use permit. Therefore, Staff recommends the Planning Commission find the Pavitt Family Vineyard in substantial compliance with the Conditions of Approval for the use permit #P06-01426 UP, and direct staff to conclude active monitoring of the facility.

### **SUPPORTING DOCUMENTS**

- A . Conditions of Approval
- B . Previous Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell