



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/4/2010  
Agenda Placement: 8A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Melissa Gray for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** LINDA STCLAIRE, PLANNER II - 707.299.1348  
**SUBJECT:** Frog's Leap Winery

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### **RECOMMENDATION**

#### **FROG'S LEAP / FROG'S LEAP WINERY / USE PERMIT MAJOR MODIFICATION #P10-00157-MOD**

**CEQA Status:** Negative Declaration Prepared. According to the Negative Declaration, the proposed project would not have a significant effect on the environment. 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 modification to Use Permit 93397-UP to include: (1) Changing tours and tasting (by appointment only) from Monday through Saturday to include Sunday tours and tastings for 50 persons per day maximum. No changes to winery production levels, marketing activities and events, or to site and building improvements are proposed. The project is located on a 38.92 acre parcel on the northwest corner of Conn Creek Road and Highway 128 within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 030-090-033) 8815 Conn Creek Road, St. Helena, CA.

**Staff Recommendation:** Adopt the attached Negative Declaration and approve the winery major modification as proposed and conditioned.

**Staff Contact:** Linda St. Claire 299-1348 or [linda.stclaire@countyofnapa.org](mailto:linda.stclaire@countyofnapa.org)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

That the Planning Commission:

1. Adopt the Negative Declaration for the Frog's Leap Winery, based on findings 1-6 of Exhibit A;

2. Approve Major Modification P10-00157-MOD based on findings 7-11 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

**Discussion:** The project consists of adding a maximum of 50 people per day on Sunday to the previously approved tours and tastings condition, which allows a maximum of 50 people per day Monday through Saturday. No other changes are proposed.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

Negative Declaration Prepared. According to the Negative Declaration, the proposed project would not have a significant effect on the environment. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Owner:** Frog's Leap

**Winery Applicant:** Frog's Leap Winery

**Representative:** Jeffery Redding, Napa, CA 94559

**Zoning:** AP (Agricultural Preserve)

**General Plan Designation:** AR (Agricultural Resource)

**Filed:** April 27, 2010    **Complete:** June 9, 2010

**Winery size:**

Existing: 38,568 sq ft

Proposed: No changes proposed

**Production Capacity:**

Existing: 240,000 gallons per year

Proposed: No changes proposed

**Visitation:**

Existing: By-appointment Tours and Tasting, 50 persons per day Monday through Saturday.

Proposed: Add Sunday to Tours and Tasting, 50 persons per day Monday through Sunday.

**Number of Employees:**

Existing: 4 FT

Proposed: No changes proposed

**Hours of Operation:**

Existing: 8:00 AM - 4:30 PM six days per week

Proposed: 8:00 AM - 4:30 PM seven days per week

**Marketing:**

Existing: Three 25-person special events monthly (all events include catered food service and all figures are max). Marketing events do not occur on same day as tours and tastings.

Proposed: No changes proposed

**Parking:**

Existing: 38 spaces

Proposed: No changes proposed

**Parcel Size:** 38.9 acres

**Accessory/Production Ratio:**

Existing: 26.2% (40% allowed)

Proposed: No changes proposed

**Winery Coverage:**

Existing: 4.6% (25% allowed)

Proposed: No changes proposed

**Adjacent General Plan Designation/Zoning / Land Use:**

North

**Agricultural Resources** General Plan designation

**Agricultural Preserve (AP)** Zoning

Red Barn Ranch borders the north. Its 61 acres are planted in vines.

South

**Agricultural Resources** General Plan designation

**Agricultural Preserve (AP)** Zoning

Rond Pond Winery owns the parcels to the south, 40 acres planted in vines.

East

**Agricultural Resources** General Plan designation

**Agricultural Preserve (AP)** Zoning

Puerta Dorada Winery with 11.5 acres, Caymus Winery with 69.5 acres, and two residences and 3.5 and 5 acres respectively.

West

**Agricultural Resources** General Plan designation

**Agricultural Preserve (AP)** Zoning

Red Barn Ranch borders the west. On the 40 acres are a residence and vines.

**Nearby Wineries (located within one mile of project):**

Honig Vineyard and Winery LLC 850 Rutherford Road, Napa CA 94559 - 150,000 gal/yr. - Approved in 1982 - tours and tastings by appointment only, (max 70 per week ) with marketing plan on file for occasional trade only.

Puerta Dorada Winery 8780 Conn Creek Road, St. Helena CA 94574 - 20,000 gal/yr - Approved in 1998, tours and tasting by appointment only (average 25 per week) marketing plan with 14 events per year.

Caymus Vineyards 8700 Conn Creek Road, St. Helena CA 94574 - 110,000 gal/yr - Approved in 1971, pre WDO tours and tasting, public (average 180 per week),no marketing plan on file.

Round Pond Winery 810 Rutherford Cross Road, Napa, Ca 94559 - 100,000 gal/yr - Approved in 2005, tours and tastings by appointment only (average 90 per week), marketing plan with 30 events per year with less than 25 people, 24 events per year with greater than 25 people, four events per year with greater than 25 and less than 75 people, and two events per year with greater than 100 people.

### **Property History:**

**1969** - Owner enters into Napa County Agricultural Preserve contract.

**1976** - Use Permit application U-247475 was denied by the Planning Commission which required the applicant to contract with the County to complete an EIR. Applicant notified county that the contract would not be made at that time.

**1994** - Use Permit 93397-UP was approved by the Planning Commission to construct a 26,624 sq ft winery with 240,000 gallons per year production with tours and tastings and a marketing plan. The winery was constructed in phases and following the Department of Interior's guidelines for historic structures they converted the existing historic red barn into the winery.

**1999** - Modification 98501-MOD was approved by the Planning Commission to increase the square footage of the barrel storage building from 9,600 to 18,404 sq ft.

**2005** - Modification P04-0427-MOD was approved by the Planning Commission to construct a 10,400 sq ft administration/visitor building, relocate some buildings, relocate and re-align the existing driveway, relocate the visitor parking lot and convert an existing administrative building to a residential use.

### **Code Compliance History:**

Having discussed the application with Enforcement staff, toured the property, and in compliance reviews of the departments files, staff is not aware of any code compliance issues on the subject parcel. Structures allowed by use permit/building permit and the winery are in compliance at this time.

### **Discussion Points:**

#### Tours and Tastings

The original use permit (93397-UP) allowed for tours and tastings by appointment only, limited to 50 visitors per day Monday through Saturday, approved in 1994, with the winery closed on Sundays. This was based on the application request by the owners. The owners are now asking to remove this limitation by adding Sunday to the tours and tastings. Staff has reviewed the modification and finds the request in line with current standards and conditions for wineries. The neighboring wineries operate with a variety of allowances regarding tours, tastings, marketing and special events.

#### Marketing

No changes to the marketing plan are proposed. The original marketing activities (93397-UP) are limited to private events no more than three times per month with an average attendance of 25 people and catered food, if any. Pursuant to the original use permit, the applicant has agreed to close the winery to tours and tastings on the same day a marketing event has been scheduled.

#### Access

A maximum of 20 cars per Sunday would be expected (50 people @ 2.5 people per car) on Sundays and this increase in traffic does not warrant a left hand turn lane per the Napa County Department of Public Works. Caltrans was notified of the project and had no comment.

#### **Consistency With Standards:**

##### Building Division Requirements

The Building Division recommends approval with standard conditions. Their final project memo dated July 14, 2010 is attached.

##### Fire Department Requirements

The Fire Marshall's office recommends approval with standard conditions. Their memo dated May 14, 2009, is attached.

##### Department of Public Works Requirements

The Department of Public Works recommends approval with standard conditions. Their memo, dated June 3, 2010 is attached.

##### Environmental Management Requirements

The Department of Environmental Management recommends approval with standard conditions. Their June 4, 2010 memo is attached.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Proposed Conditions of Approval
- C . Comments
- D . Application
- E . Initial Study
- F . Correspondence
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray