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Agenda Date: 9/15/2021
Agenda Placement: 7A
Continued From: 6/2/21

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Trevor Hawkes, Planner III - 707-253-4388
SUBJECT: Pickett Road Wine Company Major Modification; P19-00172-MOD

RECOMMENDATION

PICKETT ROAD WINE COMPANY / PICKETT ROAD WINE COMPANY / USE PERMIT MAJOR MODIFICATION NO. P19-00172-MOD

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit Major Modification to an existing 12,000 gallon per year winery to allow the following: **A. Components Necessary to Remedy Existing Violations:** (1) Recognition of six (6) full-time on-site employees. The winery has approval for three (3) full-time on-site and two (2) part-time on-site employees. **B. Expansion Beyond Existing Entitlements (as revised from Applicant's original request):** (1) Increase employment of part-time employees from two (2) to four (4) part-time on-site employees; (2) Increase tours and tastings by appointment only from the existing eight (8) visitors per day and 60 visitors per week maximum to 24 visitors per day and 120 visitors per week maximum. No change to existing approved tours and tastings hours of 10:00 a.m. and 4:00 p.m. The proposed modifications to tours and tasting would increase the total number of visitors from 3,120 to 6,240 for a net increase in 3,120 visitors a year; (3) Modification of the existing Marketing Program consisting of six (6) events per year, including four (4) events with a maximum attendance of 60 visitors between the hours of 10:00 a.m. and 10:00 p.m. and two (2) events with a maximum attendance of 125 visitors between the hours of 10:00 a.m. and 10:00 p.m.) to allow the following: one (1) event per year with a maximum attendance of 125 visitors between the hours of 10:00 a.m. and 10:00 p.m., ~~two (2)~~ two (2) events per year with a maximum attendance of 60 visitors between the hours of 10:00 a.m. and 10:00 p.m., ~~three (3)~~ three (3) events per year with a maximum attendance of 60 visitors between the hours of 10:00 a.m. and 4:00 p.m., ~~eight (8)~~ eight (8) events per year with a maximum attendance of 24 visitors between the hours of 10:00 a.m. and 4:00 p.m., ~~and three (3)~~ one (1) wine release events per year with a maximum of 50 visitors between the hours of 10:00 a.m. and 10:00 p.m.; ~~and two (2)~~ two (2) wine release events per year with a maximum of 50 visitors between the hours of 10:00 a.m. and 4:00 p.m.; (4) Construction of a crush pad canopy to cover an existing 1,000 square foot uncovered crush pad; (5) Conversion

of the existing cave from a Type I to a Type III and approval of Tours and Tastings within 1,654 square feet of the converted cave; (6) Width expansion for sections of the private roadway/project driveway in order to bring them into compliance with the current Napa County Road and Street Standards; and (7) Expansion of the winery's Domestic Wastewater Treatment and Dispersal System. The project is located on an approximately 83.14 acre site within the AW(Agricultural Watershed) zoning district with a General Plan land use designation of AR (Agricultural Resources) and AWOS (Agriculture, Watershed, and Open Space) at 2339 Pickett Road, Calistoga, CA 94515; APN: 018-050-067.

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

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Applicant Contact: Kelly Fleming, Pickett Road Wine Company, (707) 942-6849, kelly@kellyflemingwines.com

Applicant Representative Contact: Jon Webb, Albion Surveys, Inc., (707) 963-1217, jwebb@albionsurveys.com

CONTINUED FROM THE JUNE 2, 2021, COMMISSION MEETING

EXECUTIVE SUMMARY

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-5 in Attachment A; and
2. Approve Use Permit Major Modification No. P19-00172-MOD based on recommended Findings 6-10 in Attachment A, and subject to the revised recommended conditions of approval in Attachment B.

Discussion:

On June 2, 2021, the Planning Commission held a public hearing regarding Use Permit Major Modification No. P19-00172-MOD, submitted by Pickett Road Wine Company, a 12,000 gallon/year existing winery. The application was submitted under the County's Code Compliance Program which allows property owners to apply for a permit to voluntarily remedy existing violations. The applicant requests recognition of existing employment levels above approved entitlements, and an increase the amount of employees, an increase in by appointment Tours and Tastings visitors and the number of marketing events, conversion of the existing wine cave from a Type I to a Type III and allow Tours and Tastings to take place in a 1,654 square foot section of the existing wine cave, construction of a crush pad canopy to cover an existing 1,000 square foot uncovered crush pad, expansion of the winery's Domestic Wastewater Treatment and Dispersal System and width expansions for sections of the private roadway/project driveway in order to bring those areas into compliance with the current Napa County Road and Street Standards.

On May 12, 2021, a public hearing notice was forwarded to property owners within 1000 feet of the subject parcel, properties adjacent to Pickett Road and Rosedale Road between the project site and Silverado Trail, and all other interested parties. Seventeen public comments were received prior to the hearing (10 in support, seven (7) in opposition) and an additional six (6) members of the public commented during the hearing (one (1) in support, four (4) in opposition). Frequently cited concerns were potential noise impacts, traffic on Pickett Road, groundwater and wildfire. In response to these comments, the applicant's agent informed the Commission that the applicant would reduce the number of proposed events and to modify the time of day for many of the event with more events during the day and less in the evenings. Commissioner comments focused on noise impacts, and the proposed

increase in visitation and marketing events compared to existing levels. Ultimately the Commission continued the hearing to a date uncertain to allow the applicant and neighbors to discuss the proposed project and potential revisions that would alleviate expressed concerns.

On August 13, 2021, the applicant submitted a letter revising the original proposal (Attachment C). The revisions include reducing the total number of marketing events from 24 to 17, as well as changing the time of day for several of the medium sized events and wine release events to daylight hours between 10:00 a.m. to 4:00 p.m. It should be noted that staff has confirmed with applicant that no on-site wine consumption (AB 2004) has been requested under this modification as previously stated at the hearing held in June.

Based upon the applicant's revised proposal, staff finds that the project adequately addresses concerns of the neighbors and the Commission's concerns. The proposed modifications will reduce the number of marketing events and marketing visitors bringing levels closer (though still above) the average and median levels for wineries with comparable production levels (11,000 – 13,000 gallons).

Staff recommended approval of the original proposed project due to its consistency with the Zoning Code, applicable General Plan policies, and minimal potential environmental impacts. As modified Staff finds that the reduction in the total amount of annual visitors further reduces potential impacts to on noise, traffic and groundwater. Based on these reasons, staff recommends approval of the revised proposal subject to the recommended conditions of approval as revised.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Negative Declaration was previously circulated for public comment and review from May 12, 2021 to June 1, 2021.

BACKGROUND AND DISCUSSION

On June 2, 2021, the Planning Commission held a public hearing to consider approval of a Major Modification to Pickett Road Wine Company, an existing 12,000 gallon/year winery. A copy of the full Staff report can be found at: <https://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=6370>.

Prior to that hearing, several emails and letters were received and public comments were presented at the hearing expressing concerns and opposition to various aspects of the project, regarding noise, traffic on Pickett Road, and groundwater. During deliberations, the Commission also expressed similar concerns regarding noise, traffic, and the size of the requested increase to visitation and marketing given the size of the winery. At the conclusion of the Commission's deliberations, the item was continued to an undetermined date to allow concerned neighbors and the applicant sufficient time to address these concerns and comments.

Marketing Program Revisions – On August 16, 2021, after meeting with concerned neighbors, the applicant submitted a revised marketing program (Attachment C). To address neighbor concerns, the applicant reduced the total requested marketing events from 24 to 17. This is achieved by reducing the number of requested events with a maximum attendance of 60 guests from 10 to five (5) events and by reducing the number of requested events with a maximum attendance of 24 guests from 10 to five (5). Total annual marketing attendance is reduced from 1,115 to 767 guests.

A comparison in the number and timing of marketing events compared to the original proposal can be viewed in Attachment E.

Finally, the applicant has also offered to notify neighbors prior to events. A new COA 4.20.C requires that the applicant give notice 30 days prior to an event being held at the winery to all properties within 1,000 feet and other property owners who request notification. Notification will be provided via mail or electronically and will include a cell phone number of a contact person with the authority to address issues with the event.

Noise – In letters written prior to the June 2, 2021, public hearing, and during public comment, neighbors to the winery expressed concern about potential noise impacts to the surrounding area. The Negative Declaration and Staff Report identified the closest residence was 645 feet from the winery building, and found that potential noise impacts would be less than significant in part to the distance between the sources of noise and sensitive receptors (residences), that visitation and marketing would be partially indoors, and through continued enforcement of the Napa County Noise Ordinance which restricts amplified music. Staff's referenced analysis to the Bell Winery Noise Study (RGD Acoustics, November 16, 2015) as adjusted for this project's conditions to further support the determination that potential noise impacts resulting from the increased visitation and marketing activities on adjacent residences would be less than significant.

The revised proposed project reduces marketing events and annual marketing visitors from the original proposal. Most significantly the number of marketing events held in the evenings has been reduced by 10 events from the original 14 marketing events. The four (4) requested marketing events would take place between the hours of 10:00 A.M. and 10:00 P.M. The Napa County General Plan recognizes that nighttime exterior noise levels can cause greater disturbance than daytime levels, which is why the General Plan sets a lower decibel level of 45 dBA (10 dBA lower than the daylight level) for residences between the hours of 10 P.M. and 7 A.M., to determine if a noise source would create a significant environmental impact. Reducing the number of nighttime marketing events also significantly reduces potential noise impacts.

Traffic – Staff's prior analysis of the original proposal found that impacts to traffic would be less than significant. The original proposal highest amount of daily trips was estimated to be 41, generated on a harvest Friday, which was an increase over existing conditions of 11 trips (comparable to a single family residence). Staff also estimated a Tours and Tasting turn-over rate of 1.5 hours and estimated that all six (6) existing parking spaces would be utilized on days when all available appointments had been booked.

Under the revised project, marketing events have been reduced from 24 to 17 with visitation reduced from the original proposal by 348 visitors. This revision will have the impact of reducing vehicle trips to the winery due to marketing events, and the reduction in the number of marketing events held in the evenings will reduce the number of vehicles operating at later hours. Modifications to the private roadway and private driveway to bring them into compliance with the Napa County RSS, is still required under the revised project.

Groundwater – The revised project would result in less groundwater usage. The applicant submitted a Tier II Water Availability Analysis with the original proposal, which analyzed groundwater extraction specific to the project parcel. Given hydrogeological conditions and existing wells and their groundwater extraction history, the applicant's WAA consultant estimated an aquifer recharge area for the project well of 181.5 acres, 20.7 acres of which resided within the applicant's parcel. Recharge for the aquifer area just within the applicant's parcel was estimated at 19.7

af/yr. Conservative estimates of water use by adjacent users within the aquifer and for the proposed project demonstrated that groundwater use would likely be 1.72 af/yr, an increase in only 0.07 af/yr over the existing conditions. The Analysis was also demonstrated that the project would not interfere with adjacent non-project wells and that groundwater recharge in dry years would be significantly above the slight increased demand of 0.07 af/yr. Under the revised project's decrease of 348 annual marketing visitors, estimated groundwater use would also be reduced.

Public Comments - At the time of staff report preparation no public comments have been received.

Pursuant to BOS Resolution No. 2018-164, Staff has provided separate decision-making options for the component of the project necessary to remedy the existing violation and the new expansions beyond existing entitlements.

Decision-making Options:

Decision Making Options Regarding Remedying Existing Violations:

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing (unpermitted) number of full time employees. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, analysis of the project demonstrates that there will be sufficient access, adequate water supplies, and insignificant environmental impacts to traffic and noise

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Reduced Employment Alternative

Disposition - Given that the County may use the winery's existing operations as the environmental baseline for the CEQA analysis related to this application, no potential environmental impacts have been identified with this project proposal. Staff recommends no changes to the existing employee numbers. However, this option would require that the applicant reduce their existing full time employees.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the maximum full time employees. The item may need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

Decision Making Options Regarding Expansions Beyond Existing Entitlements:

Staff recommends approval of the applicant's proposal as described in Option 1 below.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including additional visitation, marketing events, employees, a wine cave conversion, a 1,000 square foot crush pad canopy cover, and infrastructure improvements. Staff recommends this option as the changes requested are compliant with the Zoning Ordinance and applicable General Plan policies and have been analyzed for their environmental impacts and found to be less than significant. Improvement of the private roadway/access driveway will bring it into compliance with the current Napa County Road and Street Standards and to support the requested expanded visitation and marketing program outlined above. Although the requested intensification of annual maximum visitation and marketing guests exceeds that of similar production capacity by appointment wineries, staff is supportive of the request based upon the project's adjacency to the valley floor, the proposed access improvements, and the ability of the project to mitigate all potentially significant environmental impacts to a less than significant level.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Reduced Visitation and/or Marketing Program Proposal

Disposition – All potential environmental impacts related to traffic, safety, noise and water resources have been found to be less than significant through a combination of project design and conditions of approval. Furthermore, the Department of Public Works, the County Fire Department and the Engineering Division have reviewed the proposal and are in support of the request. However, this option provides the Planning Commission the ability to further reduce potential impacts related traffic, safety, noise and water resources by reducing the requested maximum annual visitation and/or marketing program (number of events). This could be accomplished by potentially reducing the maximum number of weekly visitors and/or eliminating several of the marketing events. If the Planning Commission elects to pursue this option, the recommended conditions of approval would need to be amended to reflect the revised visitation and marketing program.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the reduction of the visitation and marketing program. If major revisions of the conditions of approval are required, the item may need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Application Revision Memo
- D . June 2, 2021, Staff Report
- E . Revised Winery Comparison Tables
- F . Graphics

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona