



# Napa County

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## Legislation Text

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**File #:** 23-0790, **Version:** 2

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**TO:** NAPA COUNTY ZONING ADMINISTRATOR  
**FROM:** Michael Parker for Brian Bordona - Interim Director  
**REPORT BY:** Charlene Gallina, Supervising Planner - (707) 299-1355  
**SUBJECT:** Blue Note Summer Session - Category 4 Temporary Event Application #P23-00079-E

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### **RECOMMENDATION**

Blue Note Summer Session- Category 4 Temporary Event Application #P23-00079-E

CEQA Status: Ministerially Exempt from the provisions of the California Environmental Quality Act (CEQA). The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of an application for Temporary Event License P23-00079-E filed by STR Entertainment, Inc. to hold the Blue Note Summer Session music concert on May 19th, 20th, and 21st, 2023, at Silverado Resort & Country Club (Silverado Resort or the Resort) for a maximum of 1,200 people per day with amplified music from 4 p.m. to 10:00 p.m. and crew breakdown from 10 p.m. to midnight. The stage will be set just above the 1st and 18th holes of the North Golf Course at the Resort located at 1600 Atlas Peak Road, Napa, Assessor Parcel No. 060-010-001-000 with parking (670 spaces) for the event located at 1711 Atlas Peak Road, Napa, Assessor Parcel No. 039-210-004-000.

Staff Recommendation: Find that the project is Ministerially Exempt from CEQA and approve the Temporary Event Application, as conditioned.

Staff Contact: Charlene Gallina, Supervising Planner, (707) 299-1355 or [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

Applicant Contact: Ken Tesler, Managing Director, Blue Note Napa, (201) 697-6671; email:

ken@bluenotenapa.com and Heather Seney, STR Entertainment, Inc.; (860) 689-5536; email: heather@bluenotenapa.com

## **EXECUTIVE SUMMARY**

That the Zoning Administrator:

1. Find that the project is Ministerially Exempt from the CEQA; and
2. Approve Temporary Event Category 4 License P23-00079-E, subject to the recommended conditions of approval in Attachment A.

### **Discussion:**

On May 30, 2023, STR Entertainment, Inc. applied for a permit for a Category 4 Temporary Event to be held at the Silverado Resort located at on May 19, 20, and 21, 2023, from 4:00 p.m. to 10:00 p.m. and crew breakdown from 10:00 p.m. to midnight. The event organizers anticipate approximately 800-1,200 guests will attend the event per day. The event will consist of three amplified music shows featuring the following performers: May 19 - Les Claypool (rock) - expected attendance: 1200, May 20 - Dwight Yoakam (country) - expected attendance: 800, and May 21 - Emylou Harris (folk) - expected attendance: 800. Parking (670 spaces) for this event will be off-site at 1711 Atlas Peak Road which is located directly across from the Silverado Resort Golf Course and Driving Range, as well as the Silverado Cottages townhomes. The event will be open to the public and will be limited by the number of tickets sold.

Unlike conditional use permits or other discretionary permits, temporary event permits are ministerial and shall be approved and issued if the minimum standards contained in the “Minimum Standards Table” of the Temporary Events Manual (the Minimum Standards) (Attachment D) are met. Because the permit is ministerial, the purpose of the hearing is for the Zoning Administrator to evaluate and consider evidence regarding whether the applicant has demonstrated that the Minimum Standards have been met or will likely be met prior to the event. The Zoning Administrator cannot impose standards, conditions or restrictions on the permit beyond what is provided in the Minimum Standards. As such, public comment should be limited to whether the Minimum Standards have or have not been met or will likely or not likely be met before the event begins. Finally, the Zoning Administrator’s approval of the permit is limited to just the temporary event permit. Any permits, approvals or authorizations from other agencies, departments or divisions must be satisfied prior to the event per the Recommended Conditions of Approval (Attachment A).

Staff recommends approval of the requested permit subject to the recommended conditions of approval ensuring proof of compliance with County Code Chapter 5.36 and all applicable Minimum Standards in the

Temporary Events Manual prior to the concert event. (See Attachment A)

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Pursuant to Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA) and Sections 15022 and 15268 of the State CEQA Guidelines issuance/approval of a temporary events license is ministerial and exempt from the requirements of CEQA and thus preparation of an environmental document is not required.

## **BACKGROUND AND DISCUSSION**

Property Owner: Concert Venue - Silverado Resort & Country Club, Michael Petherbridge

Property Owner: Off-Street Parking - Dr. Robert S. Kiken, (805) 452-2300

Applicant/Representative: Ken Tesler, Managing Director, Blue Note Napa, (707) 880.2300 or cell (201) 697-6671, 1030 Main Street, Napa, CA 94559; ken@bluenotenapa.com and Heather Seney, STR Entertainment, Inc.; (860) 689-5536; heather@bluenotenapa.com

Silverado Resort & Country Club Representative: Todd Shallan, Silverado Resort Vice President and Managing Director (707) 257-5430, todd.shallan@silveradoresort.com

General Plan Designation: Concert Venue - Urban Residential (UR); Off-Site Parking - Rural Residential (RR), Agriculture, Watershed & Open Space (AWOS), & Urban Residential (UR)

Zoning: Concert Venue - Planned Development (PD); Off-Site Parking - Residential Country (RC)

Concert Project Site Area: 278.73 acres; Concert event to be held outdoors with the stage set just above the 1st and 18th holes of the North Golf Course and seating to the east of the stage.

Off-Site Parking Project Site Area: 23.58 acres; 670 parking spaces will be provided at 1711 Atlas Peak Road, Napa

Application Submittal Date: March 30, 2023

Code Compliance History: A Notice of Apparent Code Violation was sent to the applicant on April 26, 2023

after Code Enforcement staff became aware that the applicant was advertising the concert events and selling tickets prior to issuance of a temporary events permit in violation of County Code Section 5.36.020.C. (See Attachment E)

#### Discussion:

The applicant, STR Entertainment, requests a license to hold the Blue Note Summer Session music concert on May 19th, 20th, and 21st, 2023, at Silverado Resort for a maximum of 1,200 people per day with amplified music. The event is open to the public and will be limited by the number of tickets sold.

Parking for this event will be located at 1711 Atlas Peak Road directly across from the Silverado Resort Golf Course and Driving Range as well as the Silverado Cottages townhomes. The proposed parking lot is 23.58 acres and is proposed to accommodate 670 parking spaces, including handicapped parking. Per the site plan, 30 and one (1) VIP portable restroom facilities will be provided for staff and the public as required by Minimum Standards. Staff has determined that the location of the proposed parking can accommodate the proposed number of attendees and staffing for this event. Guests attending the concert will park in this vacant lot which will be managed by a professional parking company, On Track Event Management, with a staff of four to six people managing and directing guest parking. Once parked, guests will be able to cross at the intersection of Atlas Peak Road and Cottage Drive and then follow the existing golf course pathway to the concert venue.

Traffic and Event Control will be provided by the applicant with assistance from the Napa County Sheriff. Discussion with the Applicant has indicated that they are diligently working with the Sheriff's Department, the California Highway Patrol, and the Public Works Department towards final approval of the proposed Concert Venue Parking and Transportation Plan which will address, but not be limited to the following:

- Submittal of an encroachment permit for implementation of the traffic control plan.
- Final submittal of a detailed no parking plan is required. No parking zones in the country club area are required.
- Final submittal of a full explanation of what is included within a traffic control unit.
- Final submittal showing placement of all traffic control signs.

The permit has been conditioned to require that the applicant obtain final approval and an encroachment permit from these agencies and departments prior to the event (Attachment A).

Because the event will have 800-1,200 attendees over three consecutive days, under County Code Section 5.36.015.G it is considered a Category 4 event. No more than three (3) Category 4 events may occur on the

same parcel per year. County Code Section 5.36.050.B requires a public hearing before the Zoning Administrator prior to issuance of a Category 4 license/permit. This Category 4 event meets the definition of a "temporary event" under County Code Section 5.36.010 which means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof."

The application was deemed complete per the County's application checklist and the required Insurance Certificate of Insurance was provided. Other agencies and departments were notified of the application and have determined the application meets or will likely meet the Minimum Standards that are within those agencies' and departments' jurisdictional authority. A Building Permit from Building, Tent Permits by Fire, Environmental Health Permits from Consumer Protection, and an Encroachment Permit from Public Works are required to be issued and finalized no later than May 16, 2023 by end of day (unless inspections are required on the day of the event by the reviewing division or agency) to demonstrate compliance with construction of the concert venue, food service activities, and parking and traffic control Minimum Standards. The permit has been conditioned to require issuance of these permits prior to the event (Attachment A).

Per County Code Section 5.36.050.B., within thirty days following receipt of a completed application, a public hearing shall be scheduled before the Zoning Administrator on the Department's recommendation. At least ten days prior notice of the hearing shall be given to property owners within 1,000 feet, interested persons and others. On April 21, 2023, Notice of the May 3, 2023, Public Hearing before the Zoning Administrator was mailed to property owners and published in the Register.

Immediately upon the Zoning Administrator's approval of the requested temporary event permit, the applicant will be required to submit and obtain approval of an application for a Building Permit, Tent Permits, Environmental Health Permits, and an Encroachment prior to the temporary event. Such permits will address the installation and construction of the concert stage, the venue area (exiting and entrance locations, event seating areas, food service activities, and parking and traffic control). Prior to the event, inspections will occur to ensure that any remaining Minimum Standards and County Code requirements that appear likely to be met at this time have in fact been met.

The applicant (and Silverado Country Club) shall be responsible for supervising all event activities, ensuring compliance with all required conditions and shall accept all risk and liability for same. Furthermore, the license must be displayed in close proximity to the primary entrance to the event site and be available for public inspection during all phases of the event, including cleanup.

Public Comments:

As of the date this report was released, staff received six formal public comments and one phone call. The comments generally concern the permit/license process, noise, parking/traffic control and departure times, future events, alcohol serving and sales, current ticket sales, no prior notification from Silverado Resort, as well as support for the proposed event (Attachment F). A summary of these concerns is addressed as follows:

**Permit/license process:** Concerns were expressed that all the events on Blue Note Summer Session's schedule appear to be at a minimum Category 3 events, and as such appear to exceed the separation limits between events and maximum number of events according to the County Code Temporary Event provisions. Questions have been raised regarding timelines for processing such permits. Lastly, a question was raised on how the PGA Tournament, which is held annually at the resort, would not be included in the yearly maximum limit of three Category 4 events per year occurring on the same parcel.

**Staff Response:** On March 30, 2023, the applicant's Temporary Event Application submittal included all of the Blue Note Summer Concert Sessions in two parts: I: May - July (with exception of the 3-day Blue Note Jazz Festival) and Part II: August - October. Based upon initial review of these two permits, staff forwarded a letter to the applicant informing the applicant that the Department could not proceed with processing their two permits nor recommend approval of their applications because they did not comply with the County's Temporary Events ordinance (County Code Chapter 5.36). Per County Code Section 5.36.015 (G)(3) no more than three (3) Category 4 events may occur per calendar year on the same parcel. At the time, these applications were requesting 29 events in calendar year 2023. Furthermore, per Section 5.36.015 (G)(2), the applications did not meet the minimum required days of separation between events on the subject property. The applicant was requested to modify their concert schedule, and submit a temporary event permit application for the remaining concerts as follows for processing under the County's regulations:

- Five (5) Category 2B events (with the required days of separation) - up to a maximum of 250 attendees per day
- Six (6) Category 3 events (with the required days of separation) - up to a maximum of 400 attendees per day
- Three (3) Category 4 events (with the required days of separation) - no limit on number of attendees

Processing timelines provided in County Code Chapter 5.36 address minimum timelines for submittal and processing of application requests. This is to ensure that staff has sufficient time to complete Division, Department and Agency review for compliance with the Minimum Standards and to meet timelines for required public noticing and scheduling of applications for Zoning Administrative review and action. This application was submitted 10 days late. A late fee for processing this application has been assessed in addition to the standard filing fees for application submittal. The applicant has been made aware of the importance of timely submittals and assures staff that future applications will be submitted on time and be complete.

With regards to the Fortinet Golf Tournament and its concerts, this activity is currently authorized under a Site Plan Approval and the concerts associated with the tournament and located at the “Grove” on the South Golf Course have been determined to be accessory to the Silverado Resort’s main use as a golf and country club. In 1964 the original use permit issued to the Silverado Country Club authorized two golf courses. Over the years, the Resort has been required to submit a Site Plan Approval permit application for tournaments and any accessory activities.

Noise: Concerns identified that noise generated by traffic and music would pose an unacceptable deterioration of the neighborhood's quality.

Staff Response: As identified above, the concert event would be held outdoors with the stage set just above the 1st and 18th holes of the North Golf Course and seating to the east of the stage. The concert will be held from 4:00 p.m. to 10:00 p.m. with crew breakdown from 10:00 p.m. to midnight. All activities would be enclosed by a fence. All concert attendees are anticipated to vacate the concert venue area and parking lot no later than midnight.

The applicant is required to comply with the exterior noise standards set forth in County Code Sections 8.16.060, 8.16.070 and 8.16.080, measured at the property line of the event site or, with the written consent of adjacent landowners, at the outer property line of such landowners’ property. The applicant must meet this standard during the concert. Because temporary event permits are ministerial, applicants are not required to submit a noise study for County review. Furthermore, Section 5.36.010 has exempted temporary events from the noise standards and special events on roadways as defined in Section 10.24.010, provided such events are conducted pursuant to licenses issued pursuant to Chapters 5.36 and 10.24, respectively, of this code and then only as specifically required by such chapters or any manual of standards adopted by resolution of the board of supervisors for the purpose of implementing such chapters. Temporary Event applicants are not required to submit a noise study for review.

Parking/Traffic Control: Concerns have been raised regarding parking/traffic generated by the event.

Staff Response: The proposed Temporary Event is scheduled for May 19-21, 2023. The event organizers anticipate approximately 800-1,200 guests per day attend this event. The event will be open to the public and will be limited by the number of tickets sold in advance. No ticket sales are anticipated to be sold at the venue door thereby, limiting traffic to no more than 800-1,200 attendees. The maximum traffic generated for this event is anticipated to be approximately 428 vehicles based upon 2.8 persons per vehicle and maybe less if attendees arrive via shuttle service or walk to and from the concert venue from the Silverado Country Club lodging facilities. Furthermore, attendees will likely be arriving between 3 pm and 5 pm and departing between 10 pm and 11 pm, in addition to the arrival and departure of event staff.

It is the responsibility of the applicant to ensure that traffic control and parking operations will not impact surrounding properties, as well as traffic routes to and from the concert venue. The applicant has indicated that they are diligently working with the Sheriff's Department, the California Highway Patrol, and the Public Works Department towards final approval with of the proposed Concert Venue Parking and Transportation Plan. The final plan must be approved prior to the event per the Conditions of Approval.

Future events: Questions have been raised that while the hearing notice is for two events there are 22 events on the calendar for the series. Will the others be addressed at the hearing?

Staff Response: With respect to the remaining upcoming scheduled concert events, the County has not granted authorization for these activities. The first action on these two events series was scheduled for this Zoning Administrator meeting. The applicant is required to submit a temporary event permit application for the remaining concerts as noted above, and has been informed of this requirement. On April 26, 2023, the County received a Category 2B application for the concert series to be held on June 2-4, 2023, and is currently reviewing this application. The applicant as informed staff applications for the remaining concerts to be held in June and July will be submitted soon. The Blue Note Jazz Festival scheduled for July 18-20, 2023, is anticipated to be submitted within the next week.

### **SUPPORTING DOCUMENTS**

- A. Recommended Conditions of Approval
- B. Application Materials
- C. Event Site & Parking Plan
- D. Temporary Event Manual
- E. Notice of Violation
- F. Public Comments