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Agenda Date: 10/19/2016

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: JASON HADE, PLANNER III - (707) 259-8757
SUBJECT: McVicar Vineyards - Use Permit P15-00020

RECOMMENDATION

MCVICAR VINEYARDS / MCVICAR VINEYARDS - USE PERMIT P15-00020-UP

CEQA Status: Consideration and possible adoption of Categorical Exemptions pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, which exempts construction and operation of small wineries and Appendix B, Class 3 of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. 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 to convert and existing 20,000 gallons per year Small Winery Exemption permit into a 20,000 gallon per year winery with the following components: (1) Conversion of an existing 1,131 square foot building for winery production to include a 300 square foot tasting room and 831 square foot production area; (2) Construction of a 600 square foot covered crush pad and 800 square foot patio; (3) Hours of operation: 8:30 AM to 5:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (hospitality hours), seven (7)-days a week; (4) Employment of seven (7) full-time employees; (5) Employee hours: 8:30 AM to 6:00 PM, 1 shift; (6) Construction of six (6) parking spaces (five standard spaces and one ADA space); (7) Construction of a new pipe connection from the proposed crush pad area to the existing waste processing system; (8) Visitation of a maximum of 12 visitors per day; maximum 84 visitors per week; and (9) Marketing Program to include 10 events per year for a maximum of 30 guests per event. All events to be catered. The project is located on a 7.5 acre parcel within the Agricultural Preserve (AP) zoning district and accessed via a private driveway located off Solano Avenue; 6155 Solano Avenue, Napa, CA 94558; APN: 034-160-008.

Staff Recommendation: Find the project Categorical Exempt and approve the Use Permit, as conditioned.

Staff Contact: Jason R. Hade, AICP, Planner III, (707) 259-8757 or jason.hade@countyofnapa.org

Applicant Contact: James Koller, 6155 Solano Avenue, Napa, CA 94558, (707) 346-7760

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt based on recommended Findings 1-3 (Attachment A); and
2. Approve Use Permit No. P15-00020-UP based on recommended Findings 4-8 and subject to the recommended conditions of approval (Attachment B).

Discussion:

The proposal is for the construction of a new 20,000 gallon per year winery with a small visitation and marketing program. Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Implementation of the proposed project would result in minimal potential environmental impacts as it consists of the conversion of a 1,131 square foot existing building to a winery production building with a 300 square foot tasting room. Details concerning the application have already been addressed and agreed upon in the Stipulated Judgment of Action No. 26-64892, Napa County v. Napa Point Winery, LLD, dba Dahl Vineyards et al in Napa County Superior Court and are discussed further in the Parcel History and Code Compliance sections below. Based on the reasons stated above, staff recommends approval of the project subject to the recommended conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, which exempts construction and operation of small wineries and Appendix B, Class 3 of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/ Applicant: Patsy McVicar Living Trust 2006, Patty Koller, Trustee, 1697 Santiago Avenue, Napa, CA 94558, (707) 255-8652

Representative: James Koller, 6155 Solano Avenue, Napa, CA 94558, (707) 346-7760

Zoning: Agricultural Preserve (AP)

GP Designation: Agricultural Resource (AR)

Filed: January 23, 2015

Resubmittal Received: November 9, 2015, January 8, 2016, and June 2, 2016

Deemed Complete: July 5, 2016

Parcel Size: 7.5 acres

Existing Development: Development on the property includes: a winery building; a waste disposal system; a well; two 85-gallon water tanks; and approximately 6.75 acres of vineyards.

Proposed Winery Characteristics:

Winery Size: Conversion of a 1,131 square foot building for winery production to include: 300 square foot tasting room and 831 square foot production area. A 600 square foot covered crush pad and 800 square foot patio are also proposed.

Production Capacity: 20,000 gallons per year.

Development Area: 1,131 square feet or approximately 0.026 acres.

Winery Coverage: 10,324 square feet or approximately 3.2% (Maximum 25% or approximately 15 acres).

Accessory/Production Ratio: 300 square feet accessory/831 square feet production - approximately 27% (Maximum 40% permitted). A 800 square foot patio is also proposed.

Number of Employees: Seven (7) full-time employees maximum.

Proposed Visitation: Maximum of 12 visitors per day and 84 visitors per week.

Proposed Marketing Program: Ten events per year up to 30 guests per event. All events would be catered.

Days and Hours of Operation: 8:30 AM to 5:00 PM daily (production hours) and 10:00 AM to 6:00 PM daily (hospitality hours).

Parking: Six (6) parking spaces (five (5) standard spaces and one (1) ADA space).

Setbacks (Required): 300 feet from Solano Avenue (front yard setback) and 20 feet from all other property lines. (Existing winery building): The existing winery building has a front yard setback of 174 feet, an approximate side yard setback of 50 feet from the northern property line a side yard setback of 725 feet from the southern property line, and a rear yard setback of 240 feet. Pursuant to Section 18.104.230.B of the Napa County Code *any winery existing on the date of adoption of the ordinance codified in this section may expand within the minimum setback*

specified in subsection A of this section. Notwithstanding the previous sentence, expansions may be permitted within the minimum setback area only if the expansion is placed no closer to the centerline of the right-of-way than the nearest point of the existing structure to which the expansion is attached. Any new freestanding structure shall comply with the setback provisions of subsection A of this section. In this case, a small winery exemption (SW-188889) was approved for the subject site on October 12, 1988 prior to the adoption of the Winery Definition Ordinance and no expansion is proposed closer to the centerline of Solano Avenue than the nearest point of the existing structure. As such, the 300-foot winery setback from Solano Avenue is not applicable to the proposed project.

Adjacent General Plan Designation/ Zoning / Land Use:

North: Agricultural Resource (AR) /Agricultural Preserve Zoning (AP)/large lot residential.

South: Agricultural Resource (AR)/Agricultural Preserve Zoning (AP)/agriculture (vineyards).

East: Agricultural Resource (AR)/Agricultural Preserve Zoning(AP)/Solano Avenue and State Route 29.

West: Agricultural Resource (AR)/Agricultural Preserve (AP)/large lot residential.

Nearby Wineries (located within 1 mile of the project)

Please refer to Attachment I.

Parcel History:

A Small Winery Exemption (SW-188889) was approved for the subject site on October 11, 1988 permitting a maximum production capacity of 20,000 gallons per year. That permit was subsequently determined used as of January 1990. However, no visitation or marketing is permitted under a Small Winery Exemption permit. Therefore, the applicant has applied for this winery Use Permit application to add visitation and a marketing program, as well as, expand the existing facility authorized under the previous permit.

Code Compliance History:

The previous site tenant, Robert Dahl, constructed improvements without a building permit and outside of the scope of the previously approved small winery exemption resulting in two code compliance cases (CE14-00201 and CE14-00211) being opened for the parcel in August 2014. The property owner and County entered into a Stipulated Judgment of Action (No. 26-64892) in Napa Superior Court to resolve these code compliance issues via the processing of this Use Permit application and associated building permits. The winery has been closed since March 16, 2015.

Discussion Points:

Setting - Site topography is fairly flat with slopes of less than five percent in most of the site. The site is located within the Napa River watershed and within the 100 year flood hazard zone The United States Department of Agriculture Soil Conservation Service Soils Map for Napa County indicates the project site is mapped as Clear Lake Clay. Based upon the Napa County Environmental Sensitivity Maps (Liquefaction layer) the area of the project site proposed for development has a high susceptibility for liquefaction. Native vegetation of the general area consists of grassland. No sensitive plant or animal species were identified on the County's Environmental Sensitivity Maps. The closest residence to the proposed winery structure would be approximately 525 feet. No existing vineyards would be removed as part of the proposal.

Winery Proposal - The proposal consist of a new 20,000 gallon per year winery with an associated winery building

(conversion of existing building) totaling 1,131 square feet. Requested visitation is a maximum of 12 visitors per day. The proposed marketing program would include 10 events per year with up to 30 guests per event.

Visitation/Marketing Program - The project includes a request for a maximum of 12 visitors per day; maximum 84 visitors per week; and a marketing program to include ten (10) events per year for a maximum of 30 guests per event. As shown in Attachment I, the requested visitation is slightly higher than the median visitation levels for similar production size winery facilities with by appointment tasting. However, the proposed visitation and marketing program is consistent with the anticipated visitation and marketing program levels permitted under the County's small winery Categorical Exemption criteria. Therefore, staff has no concerns regarding the requested visitation and marketing program.

Traffic and Parking - According to the County of Napa's Winery Traffic Information/Trip Generation Sheet, the proposed project's daily traffic volumes and weekday peak hour trips have been calculated to be: 12.61 daily vehicle trips with 4.6 trips occurring during the PM peak hour (4:00 PM – 6:00 PM), weekdays; 10.19 daily vehicle trips with 5 trips occurring during the PM peak hour (3:00 - 4:00 PM), weekends. However, because the application represents the expansion of an existing use, the 5 PM peak hour trips are not all new trips and would, therefore, be less than 5 PM peak hour trips. The infrequent marketing event trips, which would occur outside peak periods, would result in an estimated 31.4 trips for the single largest event. Based upon the County Traffic Information/Trip Generation Sheet and Traffic Impact Report described above, the project would generate less than 40 trips per day and 5 peak hour trips. Six onsite parking spaces (5 standard spaces and one ADA space) are proposed. Overflow parking for the requested marketing events would be available near the existing loading pad area. All tastings would be by appointment only. Tastings would not be offered on those days in which marketing events are scheduled. Sufficient parking would be available for the proposed project.

Groundwater Availability - The applicant completed a Tier I Water Availability Analysis. Based upon the site's location within the valley floor area, the established threshold for acceptable use would be 7.5 af/yr (7.5 acres x 1.0). The existing and estimated project water demand of 2.78 af/yr is far below the 7.5 af/yr screening criterion. The proposed project would not result in a substantial increase the demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level. According to Napa County environmental resource mapping (*Water Deficient Areas/Storage Areas*), the project site is not located within a water deficient area and the County is not aware of, nor has it received any reports of groundwater deficiencies in the area.

Grape Sourcing - The applicant plans to make estate grown wines from the 6.75 acres of planted vineyards on the property.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment E. The project would incorporate the following voluntary best management practices: photo-voltaic energy; and the installation of bicycle racks. Other recommendations have already been implemented at the existing winery building such as the installation of a new HVAC system which meets Tier 1 CalGreen standards. GHG Emission reductions from local programs and project level actions, such as the application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project specific on-site programs including those winery features noted above would combine to reduce emissions.

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

Decision Making Options

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

Disposition - This option would result in approval of the proposed 20,000 gallon per year winery.

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 categorically exempt. Project implementation would result in minimal potential environmental impacts because it consists of the conversion of an existing building to a winery production building with a 300 square foot tasting room. Sufficient grapes and water supplies are available to serve the proposed project. Approval of the proposed project is consistent with the stipulated judgment and would address the site's code compliance issues. Staff recommends this option based upon the reasons discussed above.

Option 2 - Reduced Project Alternative

Disposition - This option would reduce the scope of the project via a reduced 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 a reduction in the requested visitation and marketing program. If major revisions of the conditions of approval are required, the item will 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, 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 is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

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
- C . Previous Project Conditions
- D . CEQA Memorandum

- E . Use Permit Application P15-00020
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Graphics
- I . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: John McDowell