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Agenda Date: 11/15/2017

Agenda Placement: 8C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Kyra Engelberg, Planner II - 7072991788

SUBJECT: Schramsberg Winery Entry Gate Use Permit Exception to the Conservation Regulations P17-00288

RECOMMENDATION

SCHRAMSBERG VINEYARD COMPANY / SCHRAMSBERG VINEYARDS WINERY ENTRY GATE / USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS APPLICATION #P17-00288

CEQA Status: Consideration and possible adoption of a Categorical Exemption pursuant to CEQA Guidelines Section 15303 (Categorical Exemption Class 3 New Construction or Conversion of Small Structures), which exempts the construction of new structures, including single family residences, a second dwelling unit, appurtenant structures, and road improvements; and CEQA Guidelines Section 15304 (Categorical Exemption Class 4 Minor Alterations to Land), which exempts minor alterations to land including minor trenching where the surface is restored. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a request for an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit, in order to allow a new entry gate across an existing paved private access road (Schramsberg Road) to encroach into the minimum required 45-foot stream setback from the top of bank of an unnamed county definitional stream (as defined in County Code Section 18.108.030). The proposed new gate would be located within an existing 30-foot access easement for the private paved access road through the parcel located at 3999 St. Helena Highway (Assessor's Parcel No. 020-230-001), and would provide security during non-work hours (before 8:00 a.m. and after 5:00 p.m.) for Schramsberg Winery located at 1400 Schramsberg Road (Assessor's Parcel No. 020-300-014). The two gate pillars, corresponding concrete pads, and shallow trench to provide power, would all be located within the stream setback. Both properties are approximately two miles southeast of the City of Calistoga, have a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS), and are located in the AW (Agricultural Watershed) zoning district.

Staff Recommendation: Find the project categorically exempt from CEQA and approve the Use Permit Exception request, as conditioned.

Staff Contact: Kyra Engelberg, Planner II; phone (707) 299-1788; email kyra.engelberg@countyofnapa.org

Applicant: Fred Zammataro, on behalf of Schramsberg Vineyard Company; phone (707) 942-5943; email fzammataro@schramsberg.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt based on Finding 1 of Attachment A; and
2. Approve an Exception to the Conservation Regulations in the form of a Use Permit (#P17-00288), based on Findings 2-13 of Attachment A and subject to the Conditions of Approval listed in Attachment B.

Discussion:

The proposed project is a request for an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit, in order to allow a new entry gate across an existing paved private access road (Schramsberg Road) to encroach into the minimum required 45-foot stream setback from the top of bank of an unnamed county definitional stream (Napa County Code Section 18.108.025). The proposed new gate would provide security during non-work hours (before 8:00 a.m. and after 5:00 p.m.) for Schramsberg Winery located at 1400 Schramsberg Road. The gate would be located within a 30-foot wide access and gate easement through the parcel located at 3999 St. Helena Highway (Assessor's Parcel No. 020-230-001). Installation of the gate includes construction of two gate pillars consisting of 6-inch square posts with 1/4-inch thick walls which would be set in 18-inch diameter concrete footings 48 inches in depth. Each pillar would have a corresponding concrete pad (2 feet by 2 feet by 1 foot) on which the gate operators would be placed. In addition, a narrow/shallow trench (6 to 12 inches wide and 24 inches deep) would be excavated in order to provide power to the operator motors at each pillar from the existing power pole. The combined area of disturbance for the construction is approximately 30-35 square feet, all within the stream setback. The gate would be open during business hours (8:00 a.m. to 5:00 p.m.) and opened by security code or transmitter during non-work hours. The pillar closest to the stream would be located approximately 4 feet from the top of bank or the stream. The gate would open automatically for vehicles leaving during non-work hours.

The new gate would cross the existing paved private access road that provides sole access for Schramsberg Winery. Gate pillars would be installed within the un-vegetated gravel shoulder of the existing private access road, and would not require any tree removal. Staff believes that the necessary findings can be made to approve the requested exception to the Conservation Regulations and recommends approval of the request. No other exceptions to County standards are requested or are necessary for the proposed project.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and adoption of a Categorical Exemption pursuant to CEQA Guidelines Sections 15303 (Categorical Exemption Class 3) and 15304 (Categorical Exemption Class 4). The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Property Owner: Schramsberg Vineyard Company

Applicant: Fred Zammataro, on behalf of Schramsberg Vineyard Company; phone (707) 942-5943; email fzammataro@schramsberg.com

Zoning: AW District

General Plan Designation: AWOS

Parcel Size: 68.9 acres

Setback (Required): 45 feet from top of bank of unnamed county definitional stream

Setback (Proposed): 4 feet from top of bank of unnamed county definitional stream

Application Filed: July 31, 2017. Supplemental submittal September 7, 2017.

Application Complete: October 20, 2017.

Adjacent General Plan Designations, Zoning Districts and Land Uses:

North: St. Helena Highway (California State Route 29) lies immediately northeast of the parcel on which the gate is proposed. North of St. Helena Highway are two parcels of approximately 12 and 70 acres, which contain vineyard, as well as an approximately 1.5-acre parcel owned by the Napa County Housing Authority where the Calistoga Farmworker Center is located. All parcels to the north of the project parcel have a General Plan land use designation of Agricultural Resource (AR) and are zoned AP (Agricultural Preserve) District.

West: Beyond the 69-acre parcel on which the gate is proposed is a 40-acre parcel that consists of the Castello Di Amorosa Winery and vineyard, and undeveloped woodland. Lands west are a similar combination of wineries, vineyard, and woodland. All parcels to the west have a land use designation of AWOS and are zoned AW District, except for a small neighborhood of single-family residences approximately 1.3 miles west that has a General Plan land use designation of Rural Residential and is zoned RC (Residential Country) District.

South: South of the project parcel are three parcels of 73, 40, and 23 acres that are owned by Schramsberg Vineyard Company and consist of a combination of vineyard and woodland. Beyond these lies the 39-acre parcel containing Schramsberg Winery, to which the proposed gate provides access. All parcels to the south have a General Plan land use designation of AWOS and are zoned AW District.

East: A small neighborhood of 1/2- to 2-acre parcels developed with single family residences lies east of the project parcel. The parcels are heavily wooded despite the residences. All parcels to the east of the project site have a General Plan land use designation of AWOS and are zoned AW District.

Property History:

Schramsberg Winery is located at 1400 Schramsberg Road (Assessor's Parcel No. 020-300-014), south of the project site. This winery is owned by the project proponent Schramsberg Vineyard Company and is the location to which the gate would provide security. The winery and vineyards on the parcel were originally established in 1973,

and have been modified and expanded over the ensuing years under various County permits. Use Permit Modification #02643-MOD, approved in 2005, permitted the winery's currently allowed production of 180,000 gallons per year and annual visitors of approximately 35,000. The proposed gate would not alter the winery in any way.

The current width and alignment of Schramsberg Road was approved in 2004 and improved under permit #02643-MOD. The alignment was allowed within the stream setback due to the physical limitations of the site. An exception to the Napa County Road and Street Standards was granted in order to minimize tree removal that would be required to fully widen the road to the normally required 18 feet with two-foot shoulders. The applicant has an existing 30-foot-wide access easement for this private road's alignment through the parcel on which the gate is proposed (3999 St. Helena Highway, Assessor's Parcel No. 020-230-001). Note that the private road passes through two other parcels (Assessor's Parcel No's 020-390-011 and 020-300-015), but these are both owned by Schramsberg Vineyard Company and therefore did not require easements.

In December, 2015, the applicant entered into an agreement with Villa Amorosa Inc., the owner of the parcel on which the gate is proposed, to allow Schramsberg Vineyards Company to install and operate the proposed gate within the existing 30-foot-wide access easement at the location specified in the gate agreement. The Amorosa Property is an approximately 69-acre parcel consisting of vineyard and woodland, abutting St. Helena Highway.

Compliance History:

There have been no compliance issues with the applicant's property located at 1400 Schramsberg Road (Assessor's Parcel No. 020-300-014).

Discussion Points:

Project Setting - The property at 1400 Schramsberg Road lacks any frontage on a public street. Instead, access to the parcel is from St. Helena Highway via an approximately 0.67-mile long, paved, private roadway that crosses three neighboring parcels; two of these parcels are owned by the applicant (Assessor's Parcel No's 020-390-011 and 020-300-015), and the third (Assessor's Parcel No. 020-230-001), which abuts St. Helena Highway and where the proposed gate would be located, is owned by Villa Amorosa Inc. The road is within a 30-foot-wide access easement where it crosses the Amorosa property. There is currently no gate or other access control on the private road.

Conservation Regulations - Among the purposes of the Conservation Regulations (County Code Section 18.108.010) are intentions for the County to: 1) minimize the effects of cut, fill, earthmoving, grading operations and similar activities on the natural terrain; 2) minimize soil erosion caused by human modifications to the natural terrain; 3) maintain and improve water quality by regulating stormwater quality and quantity; 4) preserve riparian areas and other natural habitat near streams; and 5) encourage development that minimizes impacts to existing land forms, avoids steep slopes and preserves existing vegetation and unique geologic features.

The requested use permit would allow the proposed gate to encroach into the County's minimum 45-foot stream setback but is generally consistent with the intent of the Conservation Regulations. Installation of the gate would require disturbance of approximately 30-35 square feet within the stream setback. The area of disturbance would be entirely within the gravel shoulder and would require minimal vegetation removal, limited to incidental ruderal vegetation within the shoulder. The gate pillar closest to the stream would be located approximately 4 feet from the top of the stream bank. While mature trees bound the location of the proposed gate, no trees would be removed. Thus, no riparian or woodland habitat that would be disturbed by the project. There are no wetlands in the project area. Earthwork involved would be limited to excavation for 18-inch diameter concrete footings 48 inches in depth, and a narrow/shallow trench (6 to 12 inches wide and 24 inches deep) to supply power to the gate. Slopes in the vicinity of the project area are relatively shallow, not exceeding 15 percent.

Use Permit Findings - County Code Section 18.108.040 allows landowners or leaseholders to request exceptions to the requirements of the County's Conservation Regulations. Such requests are made in the form of a use permit application, which is subject to approval or denial by the Planning Commission. Pursuant to County Code Section 18.124.070, the Commission's decision to grant or deny a use permit must be based on findings that the use permit would not adversely affect public health, safety or welfare of the county, and that the request is consistent with the policies and standards of the county's General Plan. In addition, pursuant to County Code Section 18.108.040 the Commission's decision to grant or deny a Use Permit Exception to the Conservation Regulations, additional findings are necessary, including findings that the proposed project would complement natural landforms; would require minimal grading, minimal removal of vegetation, and minimal disturbance to watercourses; and would not result in significant adverse impacts to sensitive species or stormwater quality.

Compliance with Other County Standards - Slopes within the vicinity of the proposed roadway range from 1 to 14 percent, and the property is not located on any ridgeline, so the proposal is not subject to the County's Viewshed Protection Program. Similarly, the proposed project has been designed in accordance with the most recent amendments to the Napa County Road and Street Standards, and therefore does not require an exception to those Standards. Note that the road is narrower than required in the Standards, as allowed by a 2004 exception, but the proposed gate is two feet wider than the paved surface and therefore meets the Standards.

Decision-making Options:

Upon consideration of additional public comment and close of the public hearing, the Commission may take one of the following actions:

Option 1: Approve Applicant's Proposal (Staff Recommendation)

Disposition - This option would allow the proposed gate, including the gate pillars, associated concrete pads, and narrow trench, to encroach into the County's minimum required stream setback. The gate would meet County standards for roads and streets and stormwater quality and would be within the existing access easement on the property, and at the location specified in the gate agreement between the applicant and the property owner. The gate would provide additional security to Schramsberg Winery by allowing it to control access to the private road and properties during non-work hours (before 8:00 a.m. and after 5:00 p.m.). No other exceptions nor variances to the County Standards are requested or necessary.

Action Required - Follow the proposed action listed in the Executive Summary. If recommended condition(s) of approval are to be amended, identify the condition and specify the desired revision thereto.

Option 2: Redesign Alternative

Disposition - This option would require that the applicant re-negotiate the gate agreement with the property owner (Villa Amorosa Inc.) for a new gate location that would completely avoid the stream setback. The private road follows the unnamed county definitional stream for the majority of its alignment. In order to avoid the stream setback, the gate would have to be located approximately 0.5 mile from the intersection of Schramsberg Road and St. Helena Highway. This option would not require a use permit but would still require the applicant to obtain a building permit to construct the gate. Relocating the gate this far up the narrow road may necessitate additional improvements to allow vehicles to turn around at the gate. The area surrounding the private road is primarily woodland.

Staff does not support this option because it appears that an alternate gate location would not have significantly fewer environmental impacts than the proposed project. Although outside the stream setback, such an alternative location may require additional vegetation removal and disturbance, potentially leading to greater environmental impact. This option also relies on the applicant's success in modifying the existing easement.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to revise the location of the gate and required conditions of approval. The item will need to be continued to a future date to complete CEQA review on the new gate and any associated required improvements.

Option 3: Deny the Requested Use Permit

Disposition - Denial of the requested use permit would preclude construction of the proposed gate within the required stream setback. This option results in continuation of the existing condition, wherein there is free access to the private road and Schramsberg Winery during all hours. With this option, the applicant could also attempt to re-design the gate and subsequently submit requests for building permits to build the gate in a new location, in accordance with Option 2, above.

In the event the Commission determines that the project does not or cannot with conditions meet the required findings for grant of a use permit exception, the Commissioners should articulate 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 exception is not being approved. Based on the administrative records 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 make a tentative action to deny the project and remand the matter to staff for preparation of required findings to return to the Commission at a future meeting date.

Option 4: Continuance Option

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

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions
- C . CEQA Exemption Memo
- D . Application Packet
- E . Graphics

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith