



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 6/7/2017

Agenda Placement: 8B

## 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:** Wyntriss Balcher, Planner II - 707 299-1351  
**SUBJECT:** Biale Vineyards Winery Modification #P16-00396

---

### **RECOMMENDATION**

#### **VIGNERON PARTNERS / ROBERT BIALE VINEYARDS / USE PERMIT MAJOR MODIFICATION # P16-00396-MOD**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no 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 Major Modification to Use Permit #003088-UP and 03447-MOD, to allow: 1) an increase in the winery production capacity from 40,000 to 60,000 gallons; 2) an increase days of operation from five (5) to seven (7) days per week; 3) an increase employment from the approved seven (7) to a total 18 employees; 4) an increase in the expected by-appointment visitation from 4 to a maximum 21 weekdays and 45 visitors weekends; 5) the re-purpose of three existing structures (2,151 sq. ft. residence; 1,897 sq. ft. barn; 728 sq. ft. storage building) into winery use; 6) the addition of a food service kitchen for employees and caterers; 7) a modification of the marketing program to add events: 2/month (max. 25 persons); 2/year (max. 15 persons); 4/year (max. 50 persons); 2/year (max. 250 persons) for a total of 34 marketing events per year; no tours/tastings will be scheduled during larger marketing events (100 or more); 8) the use of portable toilets for events for over 100 persons; 9) on-premises consumption of wine in the tasting rooms and designated outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; 10); a revision of on-site vehicular circulation and the construction of a new driveway access to Big Ranch Rd.; 11) the addition of 18 on-site parking spaces, for a total 30 improved parking spaces; 12) the construction of a paved outdoor patio on east side of existing winery; and, 13) installation of improvements to water supply, wastewater, and fire suppression facilities. The project is located on a 10.84 acre parcel on northeast side of Big Ranch Road, at its intersection with Salvador Ave. within the Agricultural Resource (AR) General Plan Designation and within the Agricultural Preserve (AP) zoning district; 4038 Big Ranch Road, Napa; APN: 036-190-007.

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

**Staff Contact:** Wynntress Balcher, Planner II, (707) 299-1351 or [wynntress.balcher@countyofnapa.org](mailto:wynntress.balcher@countyofnapa.org)

**Applicant Contact:** Jeff Redding, Land Use Planning Services, (707) 255-7375, [jreddingaicp@comcast.net](mailto:jreddingaicp@comcast.net)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration, based on Findings #1- #7 (Attachment A); and,
2. Approve Use Permit (P16-00396-MOD), based on Findings #8 - #12 (Attachment A), and subject to the recommended Conditions of Approval (Attachment B).

### **Discussion:**

The original 40,000 gallon winery was established by approval of Use Permit U-00271 by the Planning Commission (Commission) on May 2, 2001 and the approval of a Variance (#00272-VAR) to allow the construction of the winery building 300 feet from an existing private road. The use permit expired before it was used and the project was re-approved by the Commission (Use Permit #03088-UP) on May 21, 2003. Two subsequent modifications were administratively approved to reduce the interior and exterior workspaces and to allow 15,000 gallons/year of the production capacity for custom producers. The project proposes an increase in production from 40,000 to 60,000; and proposes to re-purpose three of the existing structures on the property (residence, barn, agricultural storage building) into winery use. The residence proposed for re-purposing into winery use is located within the 600 foot winery setback, but, pursuant to NCC Section 18.104.230 (C), the legally constructed structure existing prior to the enactment of the Winery Definition Ordinance (WDO) on January 23, 1990, may be exempted from the setback provisions. The residence meets the findings for this exemption. In addition, the project proposes a modification of the marketing program to increase the number of marketing events from 2 to 34. The approved use permit did not establish a maximum number of employees allowed; nor did the use permit establish a maximum number allowed of visitors by appointment only, but the project does not propose any increase of by appointment visitation beyond the existing 21 weekdays and 45 on weekends. With the request to change the hours of operation from five to seven days, the increase in visitation will be a weekly 197 visitors. There is adequate water available and with the improvements made to the production system, the wastewater system is adequate to accommodate the existing and proposed production, employees, existing visitation levels. But, for marketing events with over 100 guests, portable toilets will be used.

This proposal has been analyzed for its environmental impacts, which were found to be less than significant. Staff believes there is adequate rationale to support approving the winery's production and facility renovations for the following reasons: 1) the proposed project is consistent with the Napa County Zoning Ordinance and applicable General Plan Policies; 2) the project will not result in the construction of any new structures; 3) there is existing direct access to Big Ranch Road, and the proposed new access driveway will reduce winery traffic interaction at the intersection of Big Ranch Road and Salvador Ave; 4) the project proposes to use existing structures to expand the existing winery and, with no change in the existing footprints, will not result in increased development of agricultural land; 5) the existing visitation and marketing levels are consistent with the levels granted to similar sized wineries.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **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 on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Owner:** Vigneron Partners, 4038 Big Ranch Rd., Napa, 94558

**Applicant:** Chris Dearden, 4038 Big Ranch Rd. Napa, CA 94558; (707)257-7555; chris@biale.com

**Representative:** Jeffrey Redding, Land Use Planning Services, 2423 Renfrew St. Napa, 94558; (707)255-7373; jreddingaicp@comcast.net

**Zoning District:** Agricultural Preserve (AP)

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

**Filed:** October 4, 2016; **Resubmittal:** December 13, 2016; **Complete:** February 2, 2017

**Parcel Size:** 10.84 acres

**Existing Development:** The existing development consists of a 19,028 sq. ft., two-story winery building, a 2,151 sq. ft. residence; a 728 sq. ft. storage building; and a 1,897 sq. ft. barn. Traffic circulation is currently a paved loop system driveway with exiting traffic returning to the entrance driveway. Existing improved parking areas are located on the eastern and southern side of the winery building.

**Vineyard Acreage (Existing):** ± 7.11 acres

**Vineyard Acreage (Proposed):** ± 6.86 acres

#### **Winery Characteristics:**

**Winery Size (Existing):** 19,028 sq. ft.

**Winery Size (Proposed):** 23,804 sq. ft.

**Production Capacity (Previously Approved):** 40,000 gallons

**Production Capacity (Proposed):** 60,000 gallons

**Development Area (Existing):** 24,355 sq. ft.

**Development Area (Proposed):** 29,131 sq. ft.

**Winery Coverage (Existing):** 44,237 sq. ft., 1.01 acres or .09% of parcel

**Winery Coverage (Proposed):** 61,840 sq. ft., 1.42- acres or 13.1% of parcel

**(Maximum 25% or 15 acres)**

**Accessory/Production Ratio (Existing):** 16,701 sq. ft./2,752 sq. ft. = 16.48% ( $\pm$ 1,160 sq. ft. outdoor paved patio tasting area)

**Accessory/Production Ratio (Proposed):** 18,727 sq. ft./5,502 sq. ft. = 29.38% ( $\pm$ 2,589 sq. ft. new outdoor tasting, impervious surface total 3,749 sq. ft.)

**(Maximum 40% allowed)**

**Number of Employees (Approved):** 4 full time / 3 part time

**Number of Employees (Existing/proposed):** 12 full time / 6 part time

**Visitation (Approved):** Four (4) anticipated,

**Visitation (Existing):** 21 weekdays/45 weekends = 129 per week (five (5) day week)

**Visitation (Proposed):** 21 weekdays/45 weekends = 195 per week (seven (7) day week)

**Marketing Program (Existing):** 1) Two (2) annual marketing events for a maximum of 100 guests

**Marketing Program (Proposed):** 1) Two (2) annual marketing events for a maximum of 100 guests; 2) Two (2) annual events for a maximum of 15 guests; 3) Two (2) monthly events for a maximum of 25 guests; 4) Four (4) annual events for 50 guests; and 5) two (2) annual events for a maximum 250 guests.

Portable toilets will be used for events for 100 or more attendees.

No appointments will be scheduled for tours or tastings during larger marketing events (100 or more guests) and marketing events are to be scheduled to avoid arrival or departure during PM Peak hours

**Days and Hours of Operation (Existing):** Tues – Sat. 8:00 AM – 4:30 PM (operations); 10:00 AM -4:00 PM (hospitality)

**Days and Hours of Operation (Proposed):** Sun – Sat. 8:00 AM – 4:30 PM (operations); 10:00 AM -4:00 PM (hospitality)

**Parking (Approved):** 10

**Parking (Existing):** 25

**Parking (Proposed):** 30

**Setbacks (Required):** 600' - Big Ranch Road; 300' private drive; 20' north side; 20' east side

**Setbacks (Existing/proposed):**  $\pm$  550' (existing residence); 42' private drive (existing residence); 140' (storage building)

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

North: Agricultural Resource/Agricultural Preserve/Agriculture (vineyards) and Residential

South: Agricultural Resource/Agricultural Preserve/Agriculture ( vineyards and orchards) and Residential

West: Agricultural Resource/Agricultural Preserve/Agriculture (vineyards)

East: Agricultural Resource/Agricultural Preserve/Agriculture (vineyards) and Residential

**Nearby Wineries Located within one mile of the project:**

Please refer to Attachment I.

**Property History:**

The Commission approved Use Permit #00271-UP and Variance #00272-VAR on May 2, 2001, to establish the 40,000 gallon winery, and to allow the construction of the proposed winery 300 feet from an existing private road. The use permit expired before the use permit could be used.

Use Permit #03088-UP was approved by the Commission on May 21, 2003, allowing: wine production not to exceed 40,000 gallons/yr.; construction of a 15,412 sq. ft. winery structure; construction of 5,849 sq. ft. covered work area; winery operating 5 days a week, with by prior appointment only retail sales, to be completed by 4:30, and tours and tasting to be completed by 4:00 PM; a Marketing Plan for two promotional events per year between the hours of 11:00 AM to 10:00 PM (minimizing vehicles arriving or leaving between 4:00 PM and 5:30 PM; construction of an entry structure; and construction of a 10,000 gallon water tank. Tours and tasting by prior appointment only was approved, but no visitor maximum was established. The anticipated number of visitors on the busiest day was 4 and the project was evaluated for peak daily traffic at 16 visitors per day. The approved Variance #00272 had no expiration date and therefore remained valid.

On December 19, 2003, Use Permit Modification #003447-MOD was administratively approved for minor changes to the approved but unconstructed winery, reducing the enclosed floor area of the winery to 10,120 sq. ft. and reducing the outdoor work areas to 9,586 sq. ft.

Use Permit Modification #P04-0260-MOD was administratively approved on June 23, 2004, to allow 15,000 gallons/year of the production capacity for custom producers, where no change were made to the approved plot plans, floor plans, building elevations, marketing plan, employees or visitation.

#### **Code Compliance History:**

There is no record of any code compliance violations.

#### **Discussion Points:**

Setting – A 10.84 acre parcel on relatively flat land on the northeast side of Big Ranch Road, at its intersection with Salvador Ave. The property has frontage on Big Ranch Road with its access driveway parallel to the private road serving 5 parcels, 3 with residences. Adjacent land uses are agriculture and large lot residential. There is an existing winery, with residences adjacent and located  $\pm 350$  feet to the south and  $\pm 375$  feet to the north. Historically, 7.11 acres have been planted in vineyards but  $\pm 2.59$  acres are currently fallow. The existing  $\pm 19,028$  winery is located in the southeasterly portion of the property. There is an existing residence and barn located to the west of the winery, and an existing agricultural storage building to the north.

Winery Proposal – The application filed a request to modify the winery use permits to increase the winery production capacity from 40,000 to 60,000 gallons. The project proposes to expand the winery facility with the repurposing of three existing structures on the property: a single family residence, a barn and a storage shed (tractor/chicken shed). The residence will be converted to the VIP tasting room; the storage building converted into staff facilities and “vineyard tasting room”; and the barn converted into winery bottle/dry storage and 308 sq. ft. to be used for farm equipment storage.

The existing residence proposed for conversion is located within the 600 foot winery setback. Under NCC Section 18.104.230 (C), legally constructed structures, existing prior to the enactment of the Winery Definition Ordinance (WDO) on January 23, 1990, may be exempted from the setback provisions of subsection A, if it is found that use of this exemption will result in a more environmentally beneficial placement of the winery. The winery use may not encompass or expand beyond the legally established footprint of the structure as it existed on the above stated date. Any expansion of such structure beyond the footprint that legally existed on the above date shall comply with the setback provisions of subsection A. The project proposes to re-purpose the existing residential structure, legally constructed prior to the WDO, and would be more environmentally beneficial than constructing new structures or additions to the winery to comply with the required setback. By repurposing these structures, harvesting and transporting of new construction materials is eliminated, and, will allow for the retention of the original structures on the property. In addition, by repurposing these structures, expansion of the winery facilities will not remove additional land from agricultural use. The project does not include any expansion of the footprint of

the existing building.

Tours & Tasting/Marketing Events – The winery is permitted tours and tasting by appointment only and the application indicates that the existing and proposed visitation is 21 on weekdays and 45 on weekends, for a total of 129 visitors per week. The project proposes to extend the hospitality from five to seven days, thus the weekly visitation will increase to a total of 195. As discussed above, a modification of the marketing program is proposed and will increase marketing events from two (2) to 34 annual events. The request includes a food service kitchen for the employees and use for catering staging area. (re-purposed storage building). Portable toilets will be used for events over 100 attendees. The outside tasting area adjacent to the main winery building will be improved and expanded.

Traffic & Parking – The egress route will be relocated to a new driveway on Big Ranch Road, approximately 179 feet north of the Salvador Avenue intersection, eliminating the existing loop driveway back to the entrance. Additional parking will be constructed north of the subject residence, where there is currently domestic landscaping, adding 18 new parking spaces.

Groundwater Availability - The project is located on a 10.84 acre parcel on the valley floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year. Water Availability Analysis-Tier One Study was prepared for the subject parcel (APN: 036-190-007) by Nichols, Melburg and Rossetto Architects/Engineers (dated November 14, 2016), which states that the Napa County Allowable Water Allotment for the property is 10.84 AF/YR, determined by multiplying the acreage of the parcel by the one (1) AF/YR fair share water use factor. The analysis indicates that the existing total water demand is 6.18 AF/YR. The analysis concluded that the projected water demand for the project is 5.89 AF/YR. The report notes that the repurposing of the residence into a winery accessory use and the reduction in the vineyard acreage by 0.25 acres for the relocated driveway will result in a reduced water demand of 0.23 AF/YR. The estimated water demand of 5.89 AF/YR is below the 10.84 AF/YR threshold established for this parcel. No further analysis is required.

Wastewater - According to the Wastewater Feasibility Study prepared by Haling and Associates in September, 2016, the present wastewater system would be sufficient to handle the proposed expanded facility. The engineer concluded that the amount of wastewater produced is not strongly dependent on wine production level. The project proposes, however, that events with more than 100 attendees will include the use of portable toilets.

Cultural Resources/Tribal Cultural Resources - According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites points & lines, archaeology surveys, sites, sensitive areas, and flags) no historical, archaeological, or paleontological resources, sites or unique geological features have been identified on the property. Invitation for tribal consultation was completed pursuant to Public Resources Code Section 21080.3.1 and one response was received from the Middletown Rancheria, but no request for consultation was made. As discussed in Section V of the initial study, if any resources not previously uncovered during this prior disturbance are found during any earth disturbing activities associated with the proposed project, construction of the project is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with the standard county conditions of approval.

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 included with the project application packet. The applicant proposes to incorporate additional GHG reduction methods including: offer employees incentives to carpool, bike or use transit, telecommute or have alternative work schedules, energy conserving lighting; cool roof installation when replacement to be made; install water efficient fixtures when replacement is necessary; continue low impact development, water efficient landscape; and limit the amount of grading and tree removal with the specific intent to save all existing trees; materials with high recycled content to be utilized for new driveway construction and building

remodels; continue education to staff and visitors on sustainable practices; continue using 70-80% cover crops; and, retain biomass removed via pruning and thinning by chipping and reuse rather than burning on-site. The applicant has proposed to repurpose an existing residence and agricultural storage building for hospitality services and the barn for winery and agricultural storage. By repurposing these structures, harvesting and transporting of new construction materials is eliminated, and, will allow the retention of these structures, the original structures on the property. In addition, by repurposing these structures, expansion of the winery facilities will not remove additional land from agricultural use. The reuse of the buildings provides the applicant with an economic incentive to preserve and upgrade the existing structures.

Grape Sourcing - The property has 10.84 acres and the winery is an existing facility, producing 40,000 gallons per year. The estate grapes are utilized at the winery and the winery advertises the use of Napa Valley grapes from the Calistoga, Spring Mountain, Oak Knoll, Coombsville, Atlas Peak and St. Helena Districts. The property has historically been planted in 7.11 acres of vineyards but a portion of the vineyards are currently lying fallow. When the driveway is relocated and the vineyards replanted, there will be a total of 6.86 on-site acres of vineyards. The winery is in process of completing the Napa Green Certification and Fish Friendly Farming initiative.

Public Comments – To date, one letter of comment had been received expressing support of the project.

### **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 reduced visitation/marketing alternative and no project alternative.

#### Option 1 - Approve Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 60,000 gallon per year winery, the additional of winery accessory space using existing structures; establish a maximum visitation, and increase the marketing program.

Action Required - Follow 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. Sufficient grapes and water supplies are available to serve the proposed project and there is no history of code compliance issues at the project site. The requested number of guests per year for the visitation are within the average and median calculation ranges compared to wineries of similar production levels. The requested number of marketing events per year are around the average compared to wineries of similar production. Staff is recommending in favor of approval for the following reasons: 1) the proposed project is consistent with the Napa County Zoning Ordinance and applicable General Plan Policies; 2) the project will not result in the construction of any new structures; 3) there is existing direct access Big Ranch Road, and the proposed new access driveway will reduce winery traffic interaction at the intersection of Big Ranch Road and Salvador Ave; 4) the project proposes to use existing structures to expand the existing winery and will not result in increased development of agricultural land; 5) the existing visitation and marketing levels are consistent with the levels granted to similar sized wineries. Considering all of the enumerated reasons, staff finds that the project meets all County Code requirements and complies with General Plan Policies. Staff supports this option based on the reasons discussed above.

#### Option 2 - Reduced Visitation/Marketing Alternative

Disposition - This option could result in a potential decrease in the proposed 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 reduce the permitted visitation and marketing events. If major revisions to 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 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. 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 and Final Agency Approval Memos
- C . Previous Project Conditions
- D . Initial Study/Negative Declaration
- E . Use Permit Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Graphics
- I . Winery Comparison Analysis
- J . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina