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Agenda Date: 8/16/2017

Agenda Placement: 8B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355  
**SUBJECT:** Titus Vineyard Winery

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### **RECOMMENDATION**

#### **LEE TITUS & SONS LTD / TITUS VINEYARDS WINERY / USE PERMIT #P17-00128-UP**

**CEQA Status:** Consideration and possible adoption of an Addendum to the previously adopted 2014 Negative Declaration prepared for the Titus Vineyards Winery. Pursuant to CEQA Guidelines Section 15164, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Major Modification (P17-00128) to an existing 24,000 gallon winery (Use Permit P13-00367-UP and Variance P13-00366-VAR) to allow the following: 1) an increase in annual production from 24,000 to 48,000 gallons; and 2) an increase in daily visitors from 40 to 60 visitors (based upon an average of 50 of per day). No changes are proposed to marketing or employees, nor are any physical changes to the winery proposed. The proposed project is located on an 31.77 acre parcel on the west side of Silverado Trail approximately 1/4 miles northwest of the Silverado Trail/Deer Park Road intersection, within the AP (Agricultural Preserve) zoning district; 2971 Silverado Trail, St. Helena; APN: 021-353-013.

**Staff Recommendation:** Adopt the Addendum to the adopted Negative Declaration prepared for the winery, and approve the Major Modification as conditioned.

**Staff Contact:** Charlene Gallina; (707) 299-1355; [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

**Applicant Contact:** Jeffrey Redding; (707) 255-7375; [jreddingaicp@comcast.net](mailto:jreddingaicp@comcast.net)

**EXECUTIVE SUMMARY****Proposed Actions:**

That the Planning Commission:

1. Adopt the Addendum to the adopted Negative Declaration for the Titus Vineyard Winery based on Finding 1 of Attachment A; and
2. Approve Major Modification (P17-00128-MOD) based on Findings 2-6 of Attachment A and subject to the recommended Conditions of Approval (Attachment B).

**Discussion:**

The Planning Commission approved Use Permit P13-00367-UP and Variance P13-00366-VAR on May 7, 2014. These permits authorized the construction of a new 14,469+/- sq.ft. winery building, with 3,461 sq.ft. dedicated to accessory uses and 11,008 sq.ft. dedicated to production; a 3,983 sq.ft. covered crush pad; 10 full-time and 2 part-time employees; tours and tastings by appointment only on a daily basis up to a maximum of forty (40) visitors per day; a marketing plan that included the following: a) private promotional tastings with meals up to eight (8) per year with a maximum of twenty-five (25) guests (food to be prepared within an on-site commercial kitchen), b) wine club marketing events up to four (4) per year with a maximum of 125 guests with catered food, c) wine release events up to six (6) per year with a maximum of 125 guests with catered food and use of portable toilets, and d) wine auction events up to two (2) per year with a maximum of 125 guests with catered food and use of portable toilets. Winery operational hours were authorized Monday through Sunday 8:00 am to 5:30 pm and 7 am to 10 pm (non-harvest production hours) and Monday through Sunday 10:00 am to 6:30 pm for visitation. A request for on premise consumption of wines produced on site was also authorized within the hospitality area and outdoor patio area. The applicant was also required to construct a twenty-one (21) space parking area, three (3) space loading and staging areas, a new access driveway off of Silverado Trail, and a left turn lane on the northbound Silverado Trail approach to the project entrance. At the time of winery approval, an existing three (3) bedroom single-family residence and an agricultural barn used for farm equipment storage existed on the property and 26 acres out of the 31.77 acres were planted in vineyards along with two existing olive groves. All winery improvements were completed in 2015 to the satisfaction of the County, with the exception of the corrections required to the left turn lane, which were finally completed in July 2017 and which will be formally accepted by the Board of Supervisors on August 15, 2017.

The applicant is now requesting approval to modify the previously approved use permit to allow an increase in annual production from 24,000 to 48,000 gallons and an increase in daily visitors from 40 to 60 visitors (based upon an average of 50 of per day). The request for an increase in visitors results from the Planning Commission's reduction in visitation from the applicant's requested amount in 2014, based upon projected weekly averages. The Planning Commission then indicated that the winery operator could come back at a future date to request an increase. The request for an increase in production is due to the applicant exceeding production in 2016, as well as, a desire to produce more wine at this facility. No changes are proposed to marketing or employees, nor are any physical changes to the winery proposed.

Staff has no objections to the request and finds the existing winery and proposed project consistent with the Winery Definition Ordinance, other applicable provisions of the Zoning Ordinance, and policies of the General Plan. Implementation of the proposed project would result in no potential environmental impacts. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

An Addendum to the adopted Negative Declaration prepared for the winery in 2014 has been prepared. According to the Addendum and the prior Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Owner:** Lee Titus & Sons Ltd.

**Applicant:** Eric Titus, 326 Ehlers Lane, St. Helena, CA 94574, (707) 963-3298

**Representative:** Jeffrey Redding, Land Use Planning Services (707) 255-7375

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

**General Plan Designation:** Agricultural Resource (AR); Agriculture, Watershed, & Open Space (AWOS)

**Filed:** March 24, 2017; **Complete:** July 26, 2017

**Parcel Size:** 31.77 acres

**Existing Development:** The 31.77 acre parcel consists of an existing 24,000 gallon winery 14,780 sq.ft. in size, an three (3) bedroom single-family residence and an agricultural barn used for farm equipment storage. 26 acres out of the 31.77 acres are planted in vineyards. Two existing olive groves are also on the property.

#### **Winery Characteristics:**

**Winery Size (Approved/Existing):** 14,469 sq.ft.; 3,983 sq.ft. - Covered Crush Pad

**Winery Size (Existing):** 14,780 sq.ft. 3,983 sq.ft. - Covered Crush Pad

**Winery Size (Proposed):** No Change

**Production Capacity (Approved/Existing):** 24,000 gallons per year

**Production Capacity (2016):** 35,000 gallons

**Production Capacity (Proposed):** 48,000 gallons per year

**Development Area (Approved/Existing):** 16,300 sq.ft., 0.4 acres

**Development Area (Proposed):** No Change

**Winery Coverage (Approved/Existing):** 52,900 sq.ft., 1.2 acres, 3.8% (Maximum 25% or 15 acres)

**Winery Coverage (Proposed):** No Change

**Accessory/Production Ratio (Approved/Existing):** 3,461 sq.ft. accessory and 11,319 sq.ft. production; 31% (Maximum 40% allowed)

**Accessory/Production Ratio (Proposed):** No Change

**Vineyard Acreage (Approved/Existing):** 26 acres; Approximately 3 acres of vines were previously removed in preparation of the site to accommodate development of the existing winery.

**Vineyard Acreage (Proposed):** No Change

**Number of Employees (Approved/Existing):** 10 full-time, 2 part-time

**Number of Employees (Proposed):** No Change

**Visitation (Approved):** 40 visitors per day; 210 maximum per week

**Visitation (Existing):** 40 visitors per day; average 45 visitors per day

**Visitation (Proposed):** 60 visitors per day; 350 maximum per week (based upon average of 50 per day)

**Marketing Program (Approved/Existing):** Private Promotional tastings with meals up to eight (8) per year with a maximum of twenty-five (25) guests (food prepared within an on-site commercial kitchen); Wine Club Marketing events up to four (4) per year with a maximum of 125 guests with catered food; Wine Release events up to six (6) per year with a maximum of 125 guests with catered food and use of portable toilets; and Wine Auction events up to two (2) per year with a maximum of 125 guests with catered food and use of portable toilets.

**Marketing Program (Proposed):** No Change

**Days and Hours of Operations (Approved/Existing):** Winery hours of operation Monday through Sunday 8:00 am to 5:30 pm; 7 am to 10 pm (non-harvest production hours); and Visitation hours Monday through Sunday 10:00 am to 6:30 pm.

**Days and Hours of Operations (Proposed):** No Change

**Parking (Approved/Existing):** Twenty-one (21) space parking area, three (3) space loading and staging areas. Temporary event parking provided on-site via valet parking service.

**Parking (Proposed):** No Change

**Setbacks (Approved/Existing):** 95' side; 1,200' rear, 178' Silverado Trail. Variance P13-00366 authorized the winery to encroach approximately 422 feet into the required 600 foot setback for Silverado Trail.

**Setbacks (Proposed):** No Change

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

North: AR/AWOS General Plan Designation, AP Zoning – Adjoining the property site to the north are vineyards on 25.24 acres.

South: AR/AWOS General Plan Designation, AP Zoning – Adjoining the property site to the south are vineyards on 9.04 acres. This parcel is also owned by Lee Titus & Sons Ltd.

East: AWOS General Plan Designation, AW Zoning – Across Silverado Trail to the east are Melka Winery, four homes with vineyards on parcels ranging in size from 2 to 10.57 acres.

West: AR General Plan Designation, AP Zoning – Adjoining the property site across the Napa River to the west are vineyards and a reservoir on 9.26 acres.

#### **Wineries in the Vicinity (located within 1 mile of the project):**

Please refer to Attachment J.

#### **Property History:**

The Planning Commission approved Use Permit P13-00367-UP and Variance P13-00366-VAR on May 7, 2014. These permits authorized the construction of a new 14,469+/- sq.ft. winery building, with 3,461 sq.ft. dedicated to

accessory uses and 11,008 sq.ft. dedicated to production; a 3,983 sq.ft. covered crush pad; 10 full-time and 2 part-time employees; tours and tastings by appointment only on a daily basis up to a maximum of forty (40) visitors per day; a marketing plan that included the following: a) private promotional tastings with meals up to eight (8) per year with a maximum of twenty-five (25) guests (food to prepared within an on-site commercial kitchen), b) wine club marketing events up to four (4) per year with a maximum of 125 guests with catered food, c) wine release events up to six (6) per year with a maximum of 125 guests with catered food and use of portable toilets, and d) wine auction events up to two (2) per year with a maximum of 125 guests with catered food and use of portable toilets. Winery operational hours were authorized Monday through Sunday 8:00 am to 5:30 pm and 7 am to 10 pm (non-harvest production hours) and Monday through Sunday 10:00 am to 6:30 pm for visitation. A request for on premise consumption of wines produced on site was also authorized within the hospitality area and outdoor patio area. The applicant was also required to construct a twenty-one (21) space parking area, three (3) space loading and staging areas, a new access driveway off of Silverado Trail, and a left turn lane on the northbound Silverado Trail approach to the project entrance. At the time of winery approval, an existing three (3) bedroom single-family residence and an agricultural barn used for farm equipment storage existed on the property and 26 acres out of the 31.77 acres were planted in vineyards along with two existing olive groves.

All winery improvements were completed in 2015 to the satisfaction of the County, with the exception of the corrections required to the left turn lane, which were finally completed in July 2017 and which will be formally accepted by the Board of Supervisors on August 15, 2017.

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

There are no open or pending code violations for the subject site.

#### **Discussion Points:**

Setting - The 31.77 acre parcel is located on the west side of Silverado Trail, approximately 1/4 miles northwest of the Silverado Trail/Deer Park intersection. The project site abuts the Napa River on the west, and Silverado Trail on the east. Existing vineyards border the property on the south and north with an existing residence also located to the north of the subject parcel. Existing vegetation is located along the north property line acting as a natural screen. Current development consists of the existing Titus Vineyard Winery, and an existing three (3) bedroom single-family residence and an agricultural barn located between the existing winery and Silverado Trail. Approximately 26 acres out of the 31.77 acres are planted in vineyard and two olive groves exist south of the existing residence and north of the agricultural barn. The closest biological resource is the Napa River, which is approximately 1,200 feet away from the existing winery. The existing parcel is located almost entirely within the Napa River floodway and the 100 -year flood plain.

Winery Proposal - The Titus Vineyard Winery was approved on May 7, 2014. There are no physical changes to the winery proposed. All winery improvements were completed in 2015 to the satisfaction of the County, with the exception of the corrections required to the left turn lane, which were finally completed in July 2017 and will be formally accepted by the Board of Supervisors on August 15, 2017.

Tours & Tasting/Marketing Events - The applicant is requesting an increase in production from 24,000 gallons to 48,000 gallons per year. Production for 2016 was 35,000 gallons, which exceeded the previously authorized production level of 24,000 gallons. However, the County regulates production activity on a three (3) year average. Therefore, the applicant, in anticipation of further exceeding their production levels, has requested an increase to 48,000 gallons. In addition, the applicant is requesting an increase in tours and tastings by appointment only on a daily basis up to a maximum of sixty (60) visitors daily (and 350 maximum per week based upon an average of 50 per day) from 10 am to 6:30 pm. No changes in the winery's marketing plan is being requested. Staff has provided a comparison table for wineries with annual production of 45,000 to 48,000 gallons per year. As shown in Attachment J, the requested visitation for tours and tastings falls above the average and median and the marketing

program falls below the average and median visitation for similar production size winery facilities. Given that have been no significant environmental impacts identified, and that sufficient water supply is available for the project site, staff has concluded that the project merits approval as proposed subject to recommended conditions attached to this report. It should also be noted that previously approved conditions imposed on the Titus Vineyards Winery included project specific conditions that required no scheduling of tours and tasting appointments on scheduled marketing events with 125 people as well as separation of six weeks between events. (Refer to Attachment B - Exhibit A COA 4.21A #2E&F)

Traffic & Parking - The original Negative Declaration adopted for the project analyzed traffic based on the original request of 60 visitors per day and concluded that the winery would generate 59 daily vehicle trips and 23 daily PM peak hour trips. On a typical Saturday, 58 daily trips with 29 peak hour trips would be expected. The updated Traffic Study, (dated December 6, 2016 and prepared by Crane Transportation Group) submitted by the applicant concluded that proposed visitation levels will be the same as evaluated in the November 2013 Crane Transportation Group Traffic Study, only visitation will be extended by an additional 1.5 hours, in which case, the traffic study evaluated a worst case scenario because visitation was compressed into a shorter timeframe resulting in more visitors per hour. The only new traffic expected resulting from the proposed modification would be 10 additional trucks per year accessing the Winery per year (or 1 or 2 trucks per month at the most). The Traffic Study further noted that the level of additional traffic would not result in any significant existing or cumulative off-site or Winery access circulation impacts. There are no changes proposed to the existing 21 parking spaces provided on-site. It should be noted that previous conditions of approval (COA 2.E) prohibits the scheduling of private tours and tastings on days when there are any scheduling marketing events with 125 persons, which will also ensure that adequate parking is provided on site.

Groundwater Availability - Napa County has established a water availability threshold of 31.77 AF/YR for this parcel. Based on the submitted Tier One Water Availability Analysis, dated January 1, 2017, the 31.77 acre subject valley-area parcel has a water availability calculation of 31.77 acre feet per year (af/yr), which is arrived at by multiplying its approximately 31.77 acre size by a one acre feet per year per acre fair share water use factor. The Water Demand Calculations submitted for the project placed water demand for existing uses on the property (residential - 0.75 af/yr, winery – 0.89 af/yr, vineyard irrigation – 11.5 af/yr, and landscape irrigation 1.3 af/yr) at 14.4 af/yr. The proposed winery project places the new demand for the parcel (winery production with visitation and marketing – 1.48 af/yr, residential – 0.75 af/yr, vineyard irrigation – 11.5 af/yr, and landscape irrigation – 1.3 af/yr) at 15.0 af/yr. Based upon this figure, the project would be well below the established threshold for groundwater use on the property and is projected to increase groundwater usage by 0.6 af/yr. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

Wastewater System - The winery facility is served by separate process waste and domestic waste treatment and disposal systems. An onsite wastewater disposal feasibility study has been completed by Applied Civil Engineering on March 22, 2017. The analysis estimated that the wastewater flows associated with proposed visitation and production increase can be accommodated by the existing process waste and domestic waste systems. The only modification that is required is the process wastewater irrigation area will be expanded by at least 5.2 acres within the currently approved area to provide additional disposal capacity.

Grape Sourcing - The subject property contains 26 acres of vineyards. The adjacent parcel to south (9.04 acres) is also owned by Lee Titus & Sons Ltd. Another 6.5 acres located on Elhers Lane is also under the ownership of the Titus family and would also be dedicated for use by this winery. The grapes available from these sources would supply approximately 150 to 160 tons annually, sufficient to accommodate proposed production levels and comply with the 75% Napa Valley grape source requirement.

Public Comments - On the day of packet distribution, staff received two comment letters in opposition on this project. It should be noted that staff will provide a response to these comments at the Planning Commission

Meeting.

### **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.

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

Discussion - Primary operational changes resulting from this option would be an increase in the production capacity and an increase in visitation. This option has been analyzed for its environmental impacts, which were found to be less than significant. Furthermore, the project as proposed meets all County Code requirements and complies with General Plan policies. There exist operational factors, including compliance with all WDO and Zoning Code regulations, and no significant environmental impacts, sufficient water supply, which have led staff to conclude that the project merits approval as proposed and conditioned.

Action Required - Follow proposed action listed in the Executive Summary. If the recommended conditions of approval are to be amended, specify conditions to be amended at the time a motion is made.

#### Option 2 - Reduced Project Alternative

Discussion - This option could result in a potential decrease in the production capacity or in daily visitation.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

#### Option 3 - Deny Proposed Project

Discussion - In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with 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 project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

#### Option 4 - Continuance Option

The Commission may continue this 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 . CEQA Addendum & Previously Adopted Initial Study/Negative Declaration

- E . Use Permit Modification Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Traffic Study
- I . Graphics
- J . Winery Comparison Analysis
- K . Public Comment

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina