

**NAPA COUNTY  
 CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION  
 1195 Third Street, Rm 210 Napa, California 94559 (707) 253-4416**

**APPLICATION FOR A VARIANCE**

FOR OFFICE USE ONLY

ZONING DISTRICT: _____	File No: <u>P14-00233</u>
REQUEST: _____	Date Filed: _____
_____	Date Published: _____
_____	Date Posted: _____
_____	<u>ZA</u> <u>CDPC</u> <u>BS</u>
_____	Hearing:    _____    _____    _____
_____	Action:      _____    _____    _____

TO BE COMPLETED BY APPLICANT

**Applicant's Name:** Summer Estates Wines Vineyards      Telephone #: 707-942-5508

Address: 1171 Tubbs Lane      Calistoga      California      94515  
number                      street                      city                      state                      zip

Status of Applicant's Interest in Property: owner

**Property Owner's Name:** Jim and Elizabeth Summers      Assessor's # 017-160-010<sup>5</sup>

Address: 1171 Tubbs Lane Calistoga California 94515      Telephone #: same as above

REQUEST: Variance to required 600 foot winery setback from Tubbs Lane. Applicable section is 18.104.230(A) [Tubbs Lane setback].

**PLEASE EXPLAIN ON THE REVERSE SIDE OF THIS FORM THE REASONS THAT THE VARIANCE REQUEST SHOULD BE APPROVED**

I certify that all the information contained in this application is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_      Signature of Property Owner [Signature] Date 6-18-14

Submit with a check or money order payable to the County of Napa. The full application fee for a variance is \$1120.00

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

\$1010.00 \_\_\_\_\_ Received By \_\_\_\_\_  
Receipt Number                      Conservation Development & Planning Department      Date

Pre-application Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

12345\555416.1      all fees shall be under up - P14-00232

**REASONS FOR GRANTING A VARIANCE**  
**Summers Estate Wines**  
**1171 Tubbs Lane, Calistoga**

**Request**

Chapter 18.104.230 requires that all new winery structures be setback 600 feet from the centerline of Tubbs Lane. The applicant proposes to locate the new covered tank pad within this required setback, approximately 327 feet from the centerline of Tubbs Lane. A variance is requested to reduce the 600-foot setback to allow the new covered tank pad to be located as shown on the plans submitted by RSA+ incorporated by reference.

**Required Findings**

Prior to issuing a variance, Chapter 18.128.060 requires that the planning commission make the following written findings:

1. That the procedural requirements set forth in this chapter have been met;
2. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights; and
4. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa;

**The following facts and conditions support the issuance of the requested variance:**

1. That the procedural requirements set forth in this chapter have been met;

*The applicant has filed a request for a variance on the application form required by the Commission. The application was accompanied by the required plans and documents required by 18.128.020 and have been circulated for review by appropriate county agencies and department. The appropriate application fee, as set by resolution of the Board of Supervisors, has been filed [paragraph .030]. The applicant has*

*submitted the required property owners' mailing list so that a public hearing can be conducted in accordance with procedures established by Chapter 18.128.040. Finally, if the Commission grants the variance, the director is required to notify the County Assessor of its approval [paragraph .070]. This procedural requirement is the responsibility of County staff.*

2. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

*Special circumstances exist at the project site with respect to the location and configuration of the existing winery buildings which were sited in the 1980s in compliance with the setbacks in effect at the time that they were built. The existing winery complex was sized to accommodate 50,000 gallons of production but is of insufficient size to accommodate the requested production increase. Placing the covered tank pad in conformance with the 600-foot setback would result in the new fermentation tanks being located well away from the existing crush and barrel storage area, leading to processing inefficiencies. The proposed tank pad would be located adjacent to existing paved area that would allow of easy forklift access to fermentation tanks from the production area. Locating the covered tank pad an additional football fields length away from the production area results in greater lot coverage, increased storm water runoff, vineyard removal and greater visibility from Tubbs Lane when compared with the proposed location. The applicant inherited the present configuration of wine making facilities and requiring the new tank pad to be located 600' feet from Tubbs Lane rather than locating it in proximity to the balance of the existing production and aging facilities represents a hardship with no tangible benefits to the public, greater environmental effects and contrary to the intent of the WDO.*

*The original purpose of establishing setbacks for new winery buildings from public roads was to reduce the corridor effect of multiple wineries on the same road (note the pre-winery definition ordinance setback was only 20' from property lines), and to protect views from the public road. Locating the covered tank pad 600' from Tubbs Lane is contrary to this intention as that location is much more visible from Tubbs Lane and adjacent properties. As located and designed, the covered tank pad is below the height of the existing winery and well screened from Tubbs Lane.*

*In summary, applying new setback standards to an existing winery that was developed in compliance with standards applicable at the time would pose a severe hardship to the applicant, would result in a project with greater environmental effects and visual impacts when compared to the proposed project. Strict application of these standards would necessitate additional vineyard removal for the pad, and the extension and paving of approximately 240 lineal feet of additional 20' wide driveway area. Locating the new buildings far from the existing wine making operation, would result in processing inefficiencies, necessitate the paving of additional agricultural land, the extension of infrastructure and other improvements without tangible benefit to the traveling public. Further, the new construction would be more visually prominent than the location proposed. The proposed location complements the existing development pattern that has been present on the site since the winery was built in the 1980s. Further, requiring strict compliance with the 600-foot setback from Tubbs Lane would deprive the applicants of privileges enjoyed by Tamber Bey Vineyards located in the vicinity of the project. Tamber Bey Vineyards was recently granted a variance to the same 600-foot setback requirement.*

- .3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights; and

*Approval of the variance request will allow the applicant to develop additional winemaking capacity and locate the new tank pad proximate to and well integrated with the existing winery complex and in a location well screened by existing buildings and vegetation. The proposed location also allows for the preservation of mature vineyard and open space on the balance of the property. In addition, the location for the new covered tank pad contributes to the winemaking efficiency and allows for safe travel between the new tasting room and the winery. Finally, approval of the buildings in the proposed location and configuration will have no adverse effect on neighboring properties or on the existing views from Tubbs Lane, the purpose of establishing the setback in question.*

4. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

*Granting the applicant the right to construct the new covered tank pad 317' from the centerline of Tubbs Lane rather than the required 600 feet will not adversely affect the public health safety or welfare of the County. The covered tank pad is substantially screened from Tubbs Lane by a combination of existing buildings and landscaping reducing*

*visual impacts to the neighbors and the traveling public. The new tank pad is low profile (21' in height at the mid point). The proposed project has been designed to meet all other required setbacks and has been designed to comply will all applicable building codes, environmental health and fire safety codes and requirement.*