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CEQA Memo



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David Morrison
Director

MEMORANDUM

To: Planning Commission	From: Wyntress Balcher, PBES
Date: January 18, 2016	Re: Laura Michael Wines Modification #P16-00033-MOD & P16-00288-VAR Categorical Exemption Determination Assessor Parcel #:017-230-009

Background

Pursuant to Section 303 of Napa County’s Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed modification of Use Permit U-467980 (#P16-00033) and the proposed Variance Request #P16-00288.

The project requests approval of a Major Modification to an existing 5,000 gallon winery (Use Permit #U-467980) to expand the existing winery and operations to: 1) construct a 50 sq. ft. restroom, to be built in compliance with ADA regulations; 2) construct one (1) additional ADA compliant parking space; 3) allow one (1) part-time employee; 4) allow wine tasting by appointment only for 12 visitors per day and a maximum of 84 visitors per week; 5) allow a marketing program for six (6) marketing events per year for 30 guests and one (1) event per year for a maximum of 75 guests; 6) relocate the existing parking spaces to the opposite side of the existing parking lot; 7) add visitation hours of 10:00 AM to 4:30 PM; and, 8) on-premises consumption of wine in the tasting room and in the existing seating area outside the tasting room accordance with Business and Professions Code Sections 23358, 23390 and 2.3396.5 (AB 2004-Evans Bill).

The proposal also includes Variance request #P16-00288, pursuant to County Code Section 18.104.230, to allow construction of a new free-standing accessory restroom building ±94 feet from Lake County Highway (State Highway 29), in lieu of the required minimum 600-ft winery setback.

The project is located on a ±3.23 acre parcel on the east side of Lake County Highway (State Highway 29), approximately 800 feet north of its intersection with Silverado Trail in the Calistoga area. The General Plan Land Use designation is Agriculture, Watershed and Open Space (AWOS), and the property is zoned Agricultural Watershed (AW); 2250 Lake County Highway, Calistoga, APN: 017-230-009.

The original 5,000 gallon winery was established with the approval of Use Permit #U-467980 by the Planning Commission on June 4, 1980. On appeal, the approval was upheld by the Board of Supervisors on August 26, 1980. The original winery was proposed to utilize an existing ±600 sq. ft. barn with no additional construction. No employees were proposed in the application and the owners stated they were the sole operators. The project was approved for operation of the winery by the property owners, no employees, and no tours or tastings.

Existing Setting

Current development on the property includes a single family residence with associated landscaping; the ±868 sq. ft. winery building with covered outdoor crush/tank pads and covered storage area for a total 2,907 sq. ft. coverage; 11 parking spaces; and 1.6 acres of vineyards. Access to the property is from Lake County Highway via a paved driveway to

the parking area. Adjacent uses are: PGE power station to the northwest; open space to the north east; residential use to the south; and urban residential uses (City of Calistoga) to the southeast.

The wine processing operations are performed by the two owners, who are on-site residents. There is currently a part-time employee who assists them in an existing tasting room. The existing employee and the tastings are not authorized by the original use permit and are, therefore, included as part of the application request. The proposed visitation hours are be 10:00 AM to 4:30 PM, at the existing visitation level of 12 visitors per day. It should be noted that the applicant voluntarily submitted this application to obtain authorization for a visitation/marketing program.

CEQA Exemption Criteria and Analysis

Because of the minimal construction and limited operations, the Planning Department finds the project to be categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15303, Class 3 (New Construction or Conversion of Small Structures) and under Section 15304, Class 4 (Minor Alterations to land).

Section 15303 - New Construction or Conversion of Small Structure Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Response: The project proposes the construction of a new, 50 sq. ft., ADA accessible restroom as an accessory to the existing winery. Such a small structure is consistent with the exemption listed under 15303 (e) accessory (appurtenant) structures including garages, carports, patios, swimming pools.

Section 13504 -Minor Alterations to Land Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of health, mature, scenic trees except for forestry and agricultural purposes.

Response: The proposed restroom and associated driveway improvements will be constructed or improved on existing developed land surrounding the existing residence and winery building. There will be small excavation for the foundation of the restroom which will be constructed on top of the disturbed land. The parking lot and driveway will require minor grading to improve the surfaces for vehicular access. Such land alterations are consistent with the exemption listed under 15304 (f) minor trenching and backfilling where the surface is restored.

Further, the Planning Division finds the project to be categorically exempt from CEQA under Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under Class 1: Existing Facilities and under Class 3: New Construction or Conversion of Small Structures.

Categorical Exemption Class 1

1. Existing roads, streets, highways and pedestrian paths, and appurtenant facilities. Repair, maintenance, reconstruction, replacement and minor expansion including, but not limited to:
 - (a) reconstructing, resurfacing, and/or seal coating of the pavement.

Response: In addition to the construction of an ADA compliant restroom, the project will include the construction of an ADA compliant parking space near the proposed restroom. The improvements to the existing parking lot and the access driveway will serve the existing winery use and the existing residential use on the property, providing improved access for fire protection equipment and handicapped accessibility.

Categorical Exemption Class 3

10. Construction and operation of small wineries, other agricultural processing facilities, and farm management uses that:

- (a) are less than 5,000 square feet in size excluding caves;
- (b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet with all of the excavated cave spoils to be used on site;
- (b) will produce 30,000 gallons or less per year;
- (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place;
- (d) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; **AND**
- (e) will hold no temporary events.

Analysis:

- a) "are less than 5,000 square feet in size excluding caves;"

Response: The project proposes the construction of a 50 sq. ft. ADA compliant restroom. The existing winery facilities are 2,907 sq. ft. in area and with the new addition, the small winery facilities will result in 3,046 sq. ft. in area. Therefore, the winery is less than 5,000 sq. ft. in size.

- b) "will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet with all of the excavated cave spoils to be used on site;"

Response: There is no proposal for caves on this project site.

- b) "will produce 30,000 gallons or less per year;"

Response: The winery was approved to produce 5,000 gallons per year, and the application is not requesting any increase in production; therefore, the facility will produce less than 30,000 gallons per year.

- c) "will generate less than 40 vehicle trips per day and five (5) peak hour trips except on those days when marketing events are taking place;"

Response: The project proposes to add visitation to the approved use permit (#U-467980) for the 5,000 gallon winery, for a maximum total of 12 daily visitors; a maximum of 84 visitors per week. A focused traffic analysis was prepared for the project by W-Trans, dated May 14, 2016. The report was reviewed by the Department of Public Works who found the analysis acceptable and concurred with the assumptions made, the methods used in the analysis, and the conclusions reached.

The study utilizes the County's Trip Generation Sheet, which provides generation characteristics of wineries in the County. Employee trip generation calculations are based upon daily arrival, departure, and lunch trip: 1.05 employees/auto, 2.6 visitors/auto weekdays; 2.8 visitors/auto weekends. Roadway PM peak hours are between 4:00 – 6:00 PM and winery peak hours 3:00-4:00 PM.

The employee weekday daily trips shown for the proposed scenario are for 3 full time trips, 2 part-time employee trips and 9 visitor trips for a total of 14 daily trips. The production size of the winery is the component to calculate daily truck trips, however, the 5,000 gallon winery does not surpass the threshold for truck traffic generation and the number of truck trips is zero (0). Applying the calculations for daily weekday PM peaks trips (14 x .38) a total of 5 trips would result. The total number of Saturday trips is not different than the total week day trips (14),

however the trip generation sheet uses .57 x 14 total daily trips, resulting in eight (8) PM peak hour trips (4:00-6:00PM).

With the proposed addition of 12 daily visitors, there would be an increase of nine (9) daily trips per day on weekdays and six (6) daily trips on weekends. The traffic generation number for this small winery is significantly less than 40 vehicle trips per day.

The daily trip generations for the PM peak hour are calculated as 5 trips. On weekends, however, utilizing the trip generation calculations, eight (8) PM peak hour trips would result.

The applicants reside at the winery and operate the winery, generating 10 daily residential trips. The existing eight (8) seasonal vineyard employees also work in winery barrel room on an ad hoc basis; but since they are not full or part time employees of the winery, their trips are not included in the winery traffic generation counts. Wine tastings are occurring currently and there is one (1) part-time employee assisting in the tasting room. The Traffic Analysis noted that the tasting room has been in operation for some time; has been operating at the same visitation level as proposed; and the requested marketing events have occurred in the past. The Traffic Analysis concluded that the change in the Use Permit reflects no actual new traffic, the project trip generation for this small winery would be zero (0), and would not add any additional trips on the street system above the current levels.

Seven marketing events are proposed to include one annual event for 75 guest and six smaller 30-person events per year. In addition to the on-site staff, two additional staff and three delivery trucks are anticipated for the larger event, translating to 64 total trips for the event. It is noted that the six truck trips would occur on the day before the event and the day after the event, so the maximum trips generation would be 60 trips on the largest marketing event day. The traffic analysis concludes that with only one such event occurring annually, the added traffic falls far below the frequency for which traffic impact would be considered. In addition, the one large annual event has occurred several times in the past under the approval of a Temporary Events permit issued by the County.

Therefore, the project will generate less than 40 vehicle trips per day and five (5) peak hour trips except on those days when marketing events are taking place.

d) "will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance;"

Response: The project requests to be permitted six (6) marketing events for up to 30 guests per year and one (1) event for up to 75 guests per year. Therefore, the winery will hold no more than 10 marketing events per year, each with 30 attendees or less and will host one large event per year for less than 100 persons in attendance.

e) "will hold no temporary events."

Response: The proposed project does not include a request for temporary events.

Under Section 15300.2 of the California Environmental Quality Act, a Class 3 (Section 15303) exemption cannot be used if environmental sensitivities exist at the site or if there will be cumulative impacts. According to the County's resource maps, there are no environmental sensitivities, scenic resources, hazardous waste sites, nor historic resources identified on the site. The conversion of the existing small structure from one use to another is minimal modification of the structure and the proposed visitation and marketing will not create a cumulative traffic impact. Furthermore, there is no reasonable possibility that the project will have a significant effect on the environment, or damage scenic resources because there will

be only minor changes to the existing structure. Therefore, these exemptions are appropriate and this proposal meets the Categorical Exemption discussed above.