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Variance Application Packet

Saddleback Cellars #P16-00266-MOD and #P16-00267-VAR
Planning Commission Hearing Date August 16, 2017

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner 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.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

<hr/> <p style="text-align: center;">Nils Venge</p> <hr/> <p>Print Name of Property Owner</p>	<hr/> <p>Print Name Signature of Applicant (if different)</p>
<hr/> <p style="text-align: center;">Nils Venge</p> <hr/> <p>Signature of Property Owner</p>	<hr/> <p style="text-align: center;">4/6/16</p> <hr/> <p>Date</p>
	<hr/> <p>Signature of Applicant</p>
	<hr/> <p>Date</p>

STATEMENT IN SUPPORT OF A VARIANCE
Saddleback Cellars
9802 Money Road, Oakville

Background

Chapter 18.104.230(A2) requires that all new structures built after adoption of the Winery Definition Ordinance (hereinafter WDO) and used for winery purposes be setback 300 feet from the centerline of Money Road. Additions to existing buildings may be located within the required winery setback so long as it is not located any closer to the centerline than the building to which it is attached (18.104.230[B]).

The applicant received approval to establish a new winery within an existing building in 1988. When permitted the winery building met all required setbacks. Following the 1988 approval, two new setbacks were adopted that impact the ability of the winery to expand: the current winery setback of 300' and the stream setbacks. The winery setback was adopted in 1990; the stream setback in 1991. No expansion of the footprint of the winery has occurred since adoption of these setbacks.

Proposal

The applicant proposed to construct a new, attached ADA accessible restroom to the existing winery building 75' from the centerline of Money Road whereas a 300' setback is required.

The existing winery building is located approximately 86' from the centerline of Money Road and 25' from the top of the drainage channel located north of the existing winery. Currently the winery has only one (1) restroom that is not ADA accessible. Current code requires that the winery have an ADA accessible bathroom as part of the winery's proposed increase in production and visitation. The only feasible location for the new restroom is to attach it to the existing building on the wall closest to Money Road where it is accessible from the accessible parking space. The proposed addition would be located approximately 75' from the centerline of Money Road.

Factors in Support of the Variance

The winery is located within an existing building that was constructed in the early 1980s, prior to the adoption of both the winery and stream setbacks. As noted on the site plan, the property is fully developed with existing building and vineyards. An existing jurisdictional stream is located 25 feet northeast of the existing building.

The interior of the building is fully programmed for winery production, administration and visitors. There is insufficient area within the building footprint to construct the required ADA accessible bathroom.

Attaching the new restroom to the existing building so that it is no closer to the centerline of Money Road than the existing building is also infeasible. The existing building is located only six feet (6') from the side (west) property line. Attaching it to this side of the building is infeasible as a property line variance would be required and the 6' depth is insufficient to construct a code compliant restroom. Attaching it to the east wall of the building would place it within the required driveway and expose winery guests to vehicle and truck traffic, back up movements, an unsafe condition. Attaching a new addition to the north side would place the addition further into the required stream setback and distant from the accessible parking area. Access to an attached building on the north side of the winery would also result in an unsafe condition for users due to conflict between guests, vehicles, production activities and truck access

No other changes to the pre-1990 footprint are proposed. And with the exception of the winery setback the new addition meets all other required setbacks.

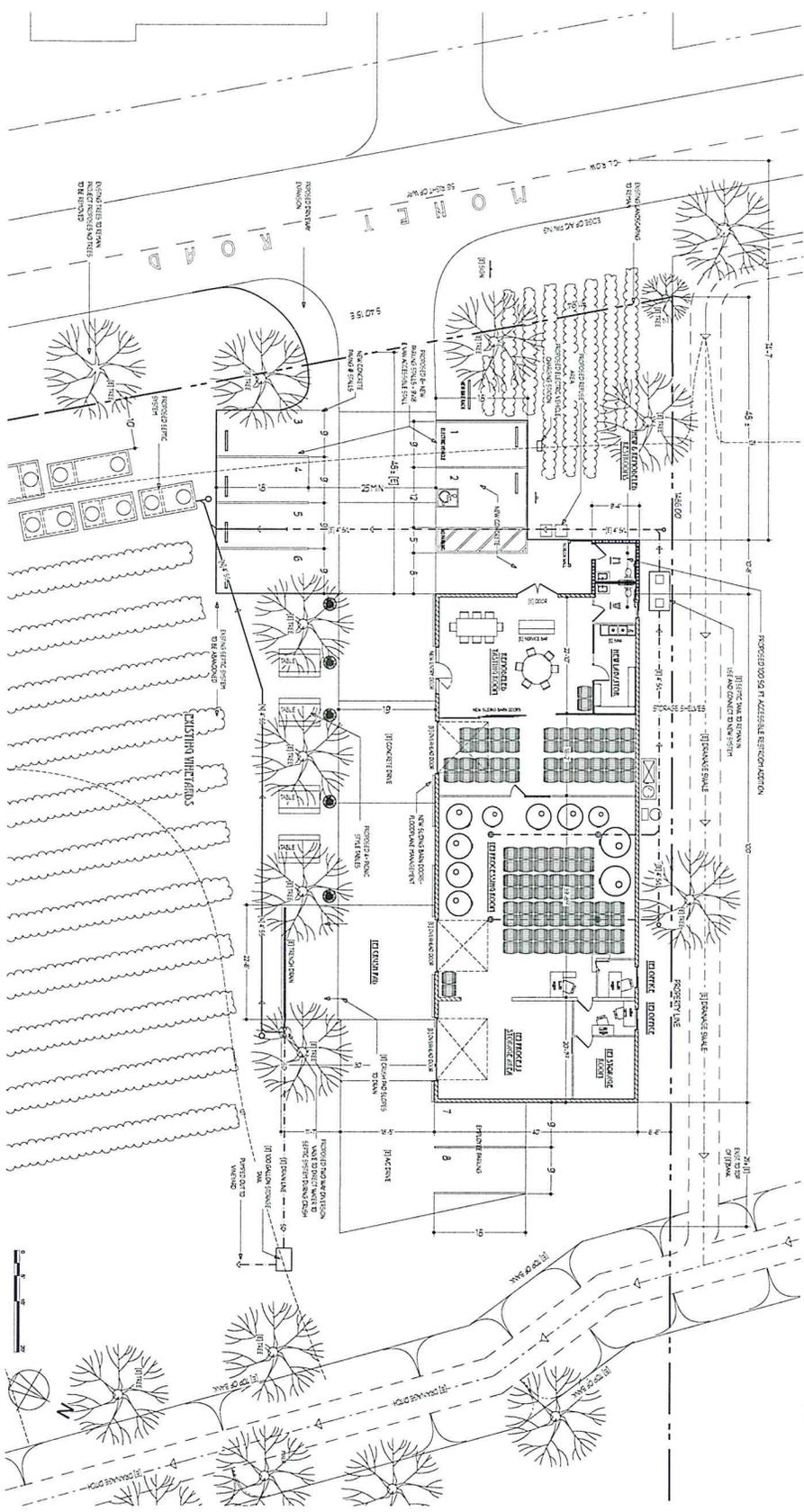
Conclusions

In summary, both the winery setback and the stream setback were established following initial construction and approval of the winery. Locating the attached ADA accessible restroom to the southwest wall of the existing winery is the only feasible location. Attaching the building to other walls and in line with the existing pre-WDO building would require either a variance to property line setbacks (west side), an exception to required stream setbacks (north side) or render it inaccessible to accessible parking space and expose winery guests to incoming vehicle and truck traffic and back up movements (east side).

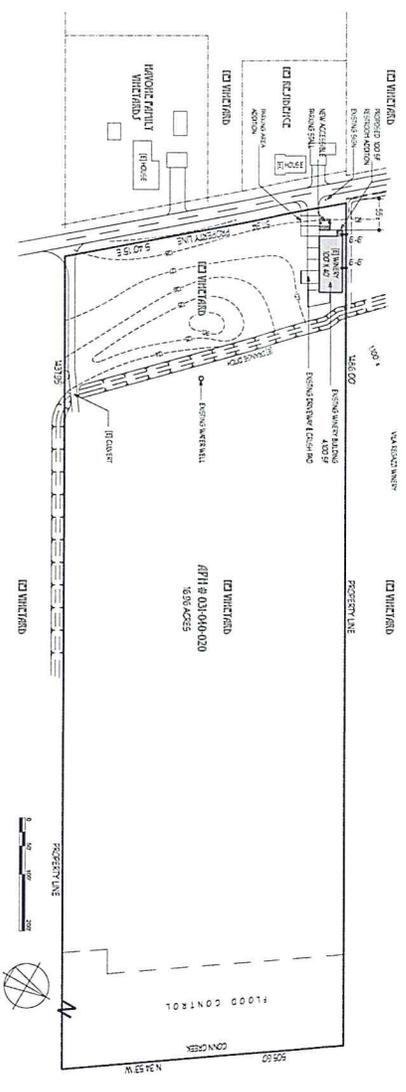
Locating the new restroom as a standalone building in compliance with the 300' setback would place the new addition across the drainage channel and inaccessible to guests and to the proposed accessible parking spaces. A minimum 20' wide bridge would have to be built across the drainage channel to provide access to both guests and emergency vehicles.

Constructing a new restroom within the interior is infeasible, as the interior area would result in the co-mingling of guest with production activities. And the building is already programmed for production and tasting activity.

The proposed project has been designed to meet all other required setbacks and the WDO and has been designed to comply with all applicable building codes, environmental health and fire safety codes and requirement. Approval of the variance is respectfully requested.



Proposed Winery Plan
Scale: 1" = 10'



Overall Site Plan (Proposed)
Scale: 1" = 100'

SHEET NUMBER
A-1.2
 2 of 7
 PROPOSED
 WINERY PLAN
 SCALE: 1/8" = 1'-0"
 JUNE 2016



SADDLEBACK CELLARS
 USE PERMIT MODIFICATION U-428384
 7802 Money Road Napa Ca, 94558

NO.	DATE	DESCRIPTION

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