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A Commitment to Service

Agenda Date: 1/5/2011  
Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** JESSICA JORDAN for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Sean Trippi, Principal Planner - 299-1353  
**SUBJECT:** Rocca Family Winery

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### **RECOMMENDATION**

#### **ROCCA FAMILY WINERY / MARY ROCCA & ERIC GRIGSBY - USE PERMT P10-00148-UP**

**CEQA Status:** Mitigated Negative Declaration prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following areas: Biological Resources, Population & Housing and Transportation/Traffic. 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 Use Permit, including a Variation to the Airport Industrial Area Specific Plan (AIASP) site development standards to establish a new 20,000 gallon per year winery with: 1) a new ±7,110 square foot building for winery production uses; 2) a 2,660 square foot covered outdoor area for crush activities, fermentation tanks and bottling; 3) the conversion of an existing circa 1855 2,000 square foot residence to winery accessory uses; 4) five full-time and five part-time employees; 5) eleven on-site parking spaces; 6) by-appointment tours and tastings with a maximum of 32 visitors per day and 224 per week; 7) a marketing plan with four food & wine pairing events per week for a maximum of 50 guests at each event and eight food & wine pairing events per year for a maximum of 50 guests at each event; 8) access via an existing access drive on an adjoining property off Devlin Road that will be widened to approximately 20-feet except as noted below; 9) an on-site system for domestic sanitary waste and a hold and haul system for winery process waste disposal; and 10) water service from the City of American Canyon. The proposed Variation to the AIASP development standards would allow a reduction of the setback from Suscol creek, and reductions of drive aisle and landscape planter widths. The project is located on a 1.0 acre parcel approximately 400-feet west of Devlin Road and approximately 200-feet south of Suscol Creek. APN's: 057-170-007 (project site) & 057-170-008 (access drive). 129 Devlin Road, Napa.

**Staff Recommendation:** Adopt the mitigated negative declaration and mitigation monitoring and reporting program and approve the use permit with the proposed conditions of approval.

**Staff Contact:** Sean Trippi, 299-1353 or sean.trippi@countyofnapa.org

## **EXECUTIVE SUMMARY**

### **Proposed Action:**

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Rocca Family Winery, based on findings 1-6 of Exhibit A; and,
2. Approve Use Permit and Variation to Development Standards application No. P10-00148 based on findings 7-14 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

### **Discussion:**

The project consists of a request for a new 20,000 gallon per year winery on a small parcel within the Airport Industrial Area (AIASP). Wine production will occur in a new approximately 7,110 square foot, two level structure, with one level below grade, which includes approximately 2,660 square feet of covered outdoor work area. An existing historic residence (circa 1855) will be converted into tasting and office uses. Due to the small parcel size, private drive access and location of the historic structure, the project requires several variations from specific plan standards. As detailed in this report, staff supports granting the requested variations to standards in recognition of site constraints and the creative reuse of the historic residence. Also, the project is located directly under the final approach path to the main runway at Napa County Airport, so special attention has been given to designing the project within density, height, safety and noise limits required for airport compatibility. No Airport Land Use Commission review is required because the project complies with Airport Compatibility Zoning and the Napa County Airport Land Use Compatibility Plan. A relatively modest marketing and visitation plan is proposed and is in keeping with what is typically proposed for wineries within agricultural zoning districts. Wineries within the AIASP are not subject to the Winery Definition Ordinance, but as an industrial park, retail/tourist elements of uses within the park must be clearly secondary and supportive of the primary industrial use. Staff believes the proposed project achieves a suitable balance between ancillary visitation and marketing to the primary wine production use, and recommends approval of the project as conditioned.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration (MND), the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Biological Resources, Population/Housing and Transportation/Traffic. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### **Discussion:**

Biological Resources - A Biological Resource Reconnaissance Survey and report, dated July 2010, was prepared

by Kjeldsen Biological Consulting, to determine whether the site is likely to contain state or federally listed rare, threatened, or endangered plant or animal species, address potential impacts, if any, to protected species, and recommend mitigation measures as needed. Although the report indicates that the site is not expected to support a diversity of plant and wildlife, a mitigation measure requiring a preconstruction survey is proposed to reduce potential impacts to nesting raptors and migratory birds and Burrowing owls if they are found to be present on the site prior to construction activities.

Population/Housing and Transportation/Traffic - Mitigation measures are also included that would reduce potential cumulative traffic related impacts and to provide funds for constructing affordable housing to offset any cumulative existing affordable housing shortage in the County. Mitigation measures require the payment of in-lieu fees to reduce these potential impacts to less than significant levels. The traffic impact fee is calculated based on the amount of peak hour traffic, which the Public Works Department derives from the floor area of the building and the zoning district. The housing impact fee is based on floor area and use.

### **BACKGROUND AND DISCUSSION**

**Owner:** Mary Rocca & Eric Grigsby

**Applicant:** Mary Rocca

**Applicant's Representative:** Donna Oldford, Plans4Wine

**Zoning:** IP:AC - Industrial Park: Airport Compatibility

**General Plan Designation:** Industrial

**Filed:** April 20, 2010      **Declared Complete:** December 2, 2010

**Proposed Production capacity:** 20,000 gallons per year

**Proposed Building size:** 9,110 sq. ft. of floor area (7,110 sq. ft. new production building and conversion of the existing 2,000 sq. ft. residence to administrative and tasting uses) and 2,660 sq. ft. of covered outdoor work areas.

**Floor Area Ratio:** .21 (.35 maximum)

**Proposed Marketing:** Four (4) events per week for a maximum of 50 guests and eight (8) events per year with a maximum of 50 guests. All food for the proposed marketing events will be catered.

**Proposed Visitation:** Tours and tastings by appointment only for a maximum of 32 visitors per day with a maximum of 224 visitors per week are proposed.

**Number of employees:** 5 full-time & 5 part-time

**Hours of operation:** 6 AM - 6 PM (7 days a week)

**Parking:** 11 off-street spaces

**Airport Compatibility:** Zone C - Extended Approach/Departure Zone - an area where aircraft will be below 300 feet above ground level depending upon type of approach and is an area of moderate risk and substantial noise, and routine overflight at low elevations. Wineries, warehousing, office and light industrial uses are acceptable

uses within this zone. There should also be no more than 50 people per acre inside structures and no more than 75 people per acre inside and outside. All aspects of the development, including the marketing plan, have been designed to comply with these limitations.

### **Setting / Adjacent Zoning / Land Use:**

All surrounding land is zoned IP:AC - Industrial Park, Airport Compatibility Combination District. Property north of Suscol creek is zoned GI:AC - General Industrial, Airport Compatibility Combination District with the exception of the 1.4 acre vacant property noted in the third paragraph of this section, below.

Immediately north of the property is a residence on a 1.6 acre property that borders the south side of Suscol Creek. That residence is considered a pre-existing, legally established non-conforming use. Ultimately, the Airport Industrial Area Specific Plan (AIASP) envisions redevelopment of the home site to industrial/business park use, but as a pre-existing legal non-conforming use, it is entitled to remain as a residence for as long as the property owners see fit.

Across the creek is a vacant portion of an existing self-storage facility containing a mix of enclosed and outdoor storage spaces, and another small, 1.4 acre, undeveloped property. West of the self-storage facility is the approved Suscol Creek Winery with a production capacity of 600,000 gallon per year on a 10.3-acre site, although the property is currently undeveloped.

Surrounding the project site to the east, west and south is a 16.5 acre undeveloped property with a few outbuildings. Further west are two properties totaling approximately 50 acres of undeveloped land planted with vines. Further to the south is approximately 27 acres of undeveloped land under the same ownership as the 16.5 acre property surrounding the project site on three sides. East of Devlin Road is vacant land within Cal Trans right-of-way.

### **Nearby Wineries:**

Suscol Creek winery - 1055 Soscol Ferry Road - 66,388 sq. ft. - 600,000 gal/yr - Tours & Tastings by appt (100/wk) - Marketing: 2 events/wk with 5 people & 2 events/wk with 20 people - 10.32 acres.

\*Schutz winery - 210 Camino Oruga - 12,800 sq. ft. - 20,000 gal/yr - No Tours & Tastings or Marketing - 1.07 acres

\*Spelletich winery - 425 Gateway Road East - 7,300 sq. ft. - 60,000 gal/yr - No Tours & Tasting or Marketing - 2.2 acres (multi-tenant building)

\*Wilkinson winery - 110 Camino Oruga - 13,000 sq. ft. - 310,000 gal/yr - No Tours & Tasting or Marketing - 1.2 acres.

\*Barrel Ten Quarter Circle - 33 Harlow Court - 96,200 sq. ft. - 43,000,000 gal/yr - Public Tours & Tasting by Appointment - 3.65 acres.

\*Rombauer Vineyards - 601 Airpark Road - 111,121 sq. ft. - 880,000 gal/yr - No Tours & Tastings or Marketing - 5.95 acres.

Rudd winery - Sheehy Ct/Devlin Rd - 34,510 sq. ft. - 120,000 gal/yr - No Tours & Tastings or marketing - 2.5 acres.

Gateway winery - Technology Wy/Morris Ct - 261,000 sq. ft. - 600,000 gal/yr - Tours & Tastings by appt (200/wk) - Marketing: 3 events/mo with 250 - 11.1 acres.

\*Bourassa winery - 190 Camino Oruga - 9,604 sq. ft. - 60,000 gal/yr - Tours & Tastings by appt (45/wk) - Marketing: 10 events/yr with 50 people - 0.7 acres (multi-tenant building).

Busby winery - 455 Technology Way - 18,162 sq. ft. - 50,000 gal/yr - No Tours & Tastings or Marketing - 1.28 acres.

\* - producing wineries

### **Property History:**

According to the Napa County Historic Resources Inventory from 1978, the existing residence on the subject property was constructed in 1855, with a ±425 square foot front porch added in approximately 1885. However, the house is not listed on the State or National register of historic resources or places, respectively.

In 1999, Mr. & Mrs. Nethercott (property owners at that time) submitted a building permit application to convert the residence into a 10-room bed and breakfast. The building permit application was canceled by the Director as the proposed bed and breakfast was not an allowed use under the the Airport Industrial Area Specific Plan (AIASP). The Director's decision was appealed, however, the appeal was subsequently withdrawn.

In 2002, the Nethercotts again inquired about converting the residence into a bed and breakfast and were again told the proposed use was inconsistent with the AIASP as well as the General Plan, zoning, and the Airport Land Use compatibility Plan.

The present property owners acquired the property in March 2009.

**Code Compliance History:** None

### **Discussion:**

1. Building design / materials - The existing 2,000 square foot residence includes horizontal wood siding, double hung sash windows and a steeply pitched hip roof. A new ramp, compliant with accessibility requirements, is proposed along the south side of the building and a new 580 square foot deck is proposed at the rear of the building (west elevation). The proposed tasting room is proposed at the rear of the building with access from the new deck. No changes are proposed to the front or north side of the building.

Exterior building materials for the new winery production building include rammed earth base walls with a clear sealant, board and batten siding, metal roofing, and wood framed windows. The height to the peak of the main roof is approximately 28-feet above grade. A cupola is proposed atop the roof of the fermentation building with a height of approximately 31.5-feet above grade. The new building includes a lower level below grade, primarily for barrel storage. At grade level, the facility includes two buildings, one primarily for fermentation, the other for storage and mechanical systems. These two buildings are under the same roof, with varying roof planes and lines. The remainder of the area under the roof would include additional areas for fermentation tanks, crush activities, and a mobile bottling line. Overall, the project architecture is generally consistent with similar winery development up valley.

2. Site development - The proposal includes phased development. Phase 1 would include minor improvements to the access drive, conversion of the residence to office and tasting uses, on-site parking and a covered crush pad. Phase 2 would include completing the improvements to the access drive, construction of the new winery production building, and converting the covered crush pad to parking. The Airport Industrial Area Specific Plan allows office uses but it does not allow retail sales, food service, or hospitality uses as a primary use. A condition is recommended that tours and tastings, marketing events, and sale of wine not occur until the facility meets the definition of winery, i.e. "a facility used for the fermenting and processing of grape juice into wine."

3. Site location - The property sits about 400-feet west of Devlin Road and is accessed via an approximate 10-foot wide access drive located within an existing 40-wide access easement. This access drive also provides access to the adjoining residence to the north of the project site. Generally, properties within the Airport Industrial Area Specific Plan (AIASP) have frontage on a public street or are part of a complex with street frontage. The northern part of the industrial area, particularly the area in the vicinity of the project site, includes several parcels without frontage on a public street. As the surrounding area develops in the future, some public street network will be needed to provide access to the properties surrounding the project site. Sewer facilities will also be extended to this area in the future as development demands. Access to the site will likely change when future development occurs. In the meantime, the site plan, as designed, will require variations to the development standards of the AIASP, discussed below.

4. Variations to Standards - The applicants are requesting variations from AIASP development standards, which the Commission has the power to approve if it feels that the project, when viewed as a whole, meets or exceeds the requirements of the AIASP:

(a) *driveway access* - Most of the existing access drive is within the 150-foot setback from Suscol Creek. Elsewhere in the County, the creek setback would be 35-45 feet based on the terrain adjoining the creek. Improvements to the access drive are proposed at its intersection with Devlin Road. The drive will also be widened to 20-feet to meet County standards. However, there are portions of the drive that would be less than 20-feet, but not less than 14-feet, to preserve the existing trees lining the drive, generally within the first 200-feet. The drive will have a 20-foot wide driveable surface, however, pervious materials may be used where needed to reduce impacts on the trees. The existing access drive also doubles as the backout area for the seven parking spaces adjoining the east (front) property. Public Works has included a condition that the parking would have to be reconfigured at such time that the drive provides access to other properties (not including the existing residence to the north).

(b) *on-site loop drive* - The proposal includes a one-way 14-foot wide loop drive that provides access around the perimeter of the facility. There is one area where the loop drive would be reduced to a minimum width of 10-feet for a length of approximately 25-feet to preserve an existing Oak tree. Fire has commented that it would still have adequate access to all portions of the site with the loop drive.

(c) *landscaping* - While the AIASP requires that the 25-feet adjoining a street be landscaped, this site does not front on a public street. The site plan has been designed with seven parking spaces immediately adjacent and perpendicular to the front property line with the access drive providing the backout area. The proposed parking spaces are located in an area that would typically be landscaped. Compensating landscaping is provided on the south and east sides of the building. As discussed above, access to the site will likely change when the area surrounding the project site develops which will probably result in relocating parking and landscaped areas. Additional area may also be available on site once sewer facilities are extended into the area creating opportunities for additional landscaping and parking areas. The AIASP also requires 10-feet of landscaping along side and rear property lines. The Planning Commission may reduce side and rear perimeter landscaping to 5-feet as part of the use permit process as is proposed here.

(d) *project signage* - The AIASP allows one on-site monument sign to identify the occupant of the site. An on-site sign would serve no purpose as it would not be visible from Devlin Road. Although not clearly shown on the site plan, a sign would be located along Devlin Road within the access drive easement. The sign height and dimensions would be in conformance with the AIASP standards.

5. Building setbacks - The AIASP requires a building setback with a 40-foot average, and a minimum of 25-feet, from the street right-of-way along collector and minor streets. As noted above, the project site does not adjoin a public street. However, the existing residence, proposed for conversion to uses accessory to the winery, is approximately 55-60 feet from east or front property line. The new building is approximately 60-feet behind the

existing building. The AIASP also requires 10-foot setbacks from the side and rear property lines. The existing building is setback 35 to 45 feet from the north (side) property line, 80 to 90 feet from the south (side) property line and over 140-feet from the rear property line. The new winery building is setback approximately 25 feet from the side property lines and 20 to 40 feet from the rear property line. The project is in conformance with setback requirements.

6. WDO/grape source - Since the proposed project is located within the Airport Industrial Area Specific Plan area, it is not subject to the requirements of the Winery Definition Ordinance (WDO). However, the applicant has designed the project to be generally consistent with the majority of the requirements of the WDO. The two notable differences with this winery and up-valley wineries are: 1) the grapes processed at the facility are not subject to the 75% Napa Valley grape source requirement; and, 2) the winery is not subject to the 300 and 600 foot winery setback from major and minor streets.

7. Tours and Tastings / Marketing Events - Tours and tastings to the proposed winery would be by prior appointment, with a maximum of 32 visitors per day and a maximum of 224 visitors per week. In addition, a marketing program is proposed for the facility, including four (4) events per week for a maximum of 50 guests and eight (8) events per year with a maximum of 50 guests. All food for the proposed marketing events will be catered. The proposal does not include a commercial kitchen. Per Environmental Management's conditions of approval the existing residential kitchen must be designed or redesigned such that it can be considered an employee break room. Normal hours of operation would be 6 am to 6 pm, seven days a week.

8. Water/Sewer - Generally, all projects within the AIASP area are required to connect to municipal water and public sewer. The project will connect to municipal water provided by the City of American Canyon. However, the project site is located in an area that is not currently served by existing wastewater utility lines, and is outside the boundaries of the Napa Sanitation District (NSD). The applicant proposes an on-site wastewater system for domestic sanitary waste and a hold and haul system for winery process waste disposal. NSD has included conditions that at such time that sewer facilities become available in the future, the project site would be required to annex into the district boundaries to receive sewer service.

### **Consistency with Standards:**

All reviewing departments/agencies have found the project as proposed and conditioned to be consistent with their respective requirements and regulations.

1. Zoning - The IP:AC (Industrial Park: Airport Compatibility) allows wineries and speculative industrial buildings with the approval of a use permit. Site layout, building design, coverage, and setbacks generally comply with all applicable Airport Industrial Area Specific Plan (AIASP) and zoning regulations as modified herein.

2. Building/Fire Code - The project has been designed to comply with all applicable building and fire codes. Access to the building is excellent.

3. Public Works - Public Works finds the project, as conditioned, complies with industrial park development standards. An encroachment permit will be required for any improvements to the existing driveway that are within the Devlin Road right-of-way. Public Works has included conditions addressing compliance with regulations regarding grading, drainage, stormwater control, erosion, access, and parking lot standards.

4. Environmental Management - Conditions are required that address generating and/or storing hazardous materials, and properly disposing of sanitary waste, process wastewater, solid waste, and recyclable materials.

5. Other Agencies - The project is within the water service area of the City of American Canyon and has received a will-serve letter from the City indicating the City will serve the project. The Napa Sanitation District (NSD) has

indicated it does not have sewer facilities to serve the project. The project will utilize a combination of an on-site wastewater system and hold and haul for sanitary and process waste, respectively. At some point on the future, the site will tie into NSD's sewer system when sewer facilities become available. The NSD has also conditioned the project for compliance with applicable District requirements.

**Correspondence:**

The California Department of Fish and Game (DFG) provided comments, received on December 27, 2010 (letter attached). Staff and the project biologist have not had sufficient time to prepare a response prior to transmittal of the staff report. We hope to have responses to DFG's comments prior to or at the public hearing.

**SUPPORTING DOCUMENTS**

- A . Findings
- B . Proposed Conditions of Approval
- C . Review Agency Comments
- D . Initial Study / Mitigation Monitoring & Reporting Program
- E . Wastewater Feasibility Report & Amendments
- F . Application Submittal Materials
- G . Correspondence - DFG letter
- H . Project Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray