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A Commitment to Service

Agenda Date: 10/16/2013

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Planning, Building and Environmental Services
REPORT BY: Sean Trippi, Principal Planner - 299-1353
SUBJECT: Black Cat Winery

RECOMMENDATION

BLACK CAT WINERY / RICHARD & TRACEY REICHOW / USE PERMIT MODIFICATION #P13-00254-MOD

CEQA status: Consideration and possible adoption of a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act, Class 1, which exempts alterations to existing facilities and Section 15303, Class 3, which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a use permit modification to allow the following: (1) conversion of a 3,350 sq. ft. warehouse space within a 11,996 sq. ft. building to a winery with an annual production capacity of 12,500 gallons; 2) three full-time employees (including the two owners); (3) tours and tastings by appointment only with a maximum of 20 people per day (10 per day on average); (4) four (4) marketing events per year for up to 30 guests, with catered food; (5) hours of operation from 7:30 AM to 7:30 PM seven days per week (10:00 AM to 6:00 PM for tours and tastings); and, (6) a hold and haul wastewater system for process waste. The City of American Canyon and the Napa Sanitation District provide water service and sanitary sewer service to the site, respectively. The project is located on the east side of Camino Oruga, on a 1.01 acre site approximately 4,000 feet south of its intersection with South Kelly Road and State Highway 12 within an IP:AC (Industrial Park: Airport Compatibility Combination) overlay zoning district. (Assessor's Parcel #: 057-270-009, 194 Camino Oruga Road, Suite 17-20, Napa.

Staff Recommendation: Find the project categorically exempt and approve the requested use permit modification as conditioned.

Staff Contact: Sean Trippi, 707-299-1353 or sean.trippi@countyofnapa.org

Applicant Contact: Richard & Tracey Reichow (707) 321-4403 or rickreichow@gmail.com

EXECUTIVE SUMMARY**That the Planning Commission:**

1. Find the project categorically exempt, as set forth in Finding 1 of Exhibit A.
2. Approve Use Permit Modification No P13-00254 based on Findings 2-6 of Exhibit A and subject to the recommended conditions of approval (Exhibit B)

Discussion:

This application proposes to convert a small warehouse in a light industrial condominium project to a winery with a production capacity of 12,500 gallons per year.

The site was originally approved for two multi-tenant light industrial buildings totaling 29,014 square feet. The winery would utilize 3,350 sq. ft. in the southerly of the two buildings. All proposed winery operations would be conducted within the building, except for a process waste treatment tank located next to the building. Tours and tastings and marketing events are included in the proposal. The project site has 49 shared parking spaces. Staff supports grant of the use permit subject to proposed conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed project is Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act, Class 1, which exempts minor alterations to existing facilities and Section 15303, Class 3, which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

The request proposes to convert approximately 3,350 sq. ft. of an existing 11,996 sq. ft. building to a winery with an annual production capacity of 12,500 gallons. The request also includes tours and tastings for a maximum of 20 visitors per day, seven days a week, and four annual marketing events for up to 30 guests at each event. The proposed winery would be expected to generate approximately 22 daily trips on a weekday and 32 trips with on a Saturday during crush.

According to the Institute of Traffic Engineers, Trip Generation, 8th Edition, 2008, warehousing or light industrial uses with the same floor area would generate approximately 12 to 23 daily trips, respectively. According to information from the California Department of Transportation, traffic counts taken in 2011 indicate the traffic volume at the Highway 12/29 intersection was approximately 43,500 to 61,000 average annual daily vehicle trips. Traffic generated by this project will contribute less than 1% to the traffic levels on local roadways and intersections and to deterioration in their level of service, and therefore, cumulative impacts to traffic would be less than significant.

The existing building is currently served by the City of American Canyon and Napa Sanitation District for water and sewer services, respectively. Both agencies have indicated that there is adequate capacity to serve the proposed

winery. In addition, the applicant is proposing hold and haul services for winery process waste which is consistent with other winery uses in the industrial park.

Staff finds that these exemptions are appropriate and this proposal meets the Categorical Exemptions as discussed above.

BACKGROUND AND DISCUSSION

Owner: Bernadette Meyer

Applicants: Richard and Tracey Reichow

Zoning: GI:AC (General Industrial : Airport Compatibility)

General Plan Designation: Industrial

Filed: August 2, 2013

Declared Complete: September 19, 2013

Proposed Building size: Total winery square footage: 3,350 sq. ft. of an existing 11,996 sq. ft. building.

Proposed Production capacity: 12,500 gallons per year

Proposed Marketing: Four events per year for up to 30 people per event. All food would be catered.

Proposed Visitation: By appointment only with a maximum of 20 people per day (with an average of 10 visitors per day)

Number of employees: 3 (including 2 owners)

Hours of operation: 7:30 AM to 7:30 PM, seven days a week (10:00 AM to 6:00 PM for visitation)

Parking: There are a total of 49 parking spaces shared by all tenants within the two buildings.

Airport Compatibility: Zone D - Common Traffic Zone - area of routine overflight at low elevations. Wineries, warehousing, distribution, office and light industrial uses are highly compatible with this zone. There should also be no more than 100 people per acre inside structures and no more than 150 people per acre inside and outside. All aspects of the development, including the marketing plan, have been designed to comply with these limitations.

Adjacent General Plan Designation / Zoning / Land Use:

North: Industrial General Plan designation, General Industrial (GI:AC) Zoning - A 2.38 acre undeveloped parcel, approved for a contractors yard and office, owned by the Dyce Group LLC.

South: Industrial General Plan designation, Industrial Park (IP:AC) - A 1.04 acre developed parcel containing winery warehouse owned by Peju Providence Winery.

East: Agricultural Watershed and Open Space General Plan designation, Agricultural Watershed (AW:AC) - A 161

acre vacant parcel across North Kelly Road, owned by Napa Sanitation District and used as spray fields.

West: Industrial General Plan designation, General Industrial (GI:AC) - A 0.62 acre vacant parcel across Camino Oruga approved for a contractors yard, owned by Berglund Family Vineyards and; Industrial Park (IP:AC) a 7.23 acre parcel across Camino Oruga containing offices, owned by Pacific Bell Telephone Company.

All adjacent zoning designations include the Airport Compatibility (:AC) combination district.

Nearby Wineries:

Winery	Address	Site Area	Floor Area	Production Gal / Year	Tours & Tastings (Visitors / Week)	Marketing Events
Suscol Creek winery	1055 Soscol Ferry Road	10.32 acres	66,388 sq. ft.	600,000	100	2/wk w/5 & 2/wk w/20
*Peju winery	210 Camino Oruga	1.07 acres	12,800 sq. ft.	20,000	2	None approved
*Spelletich winery	425 Gateway Road East	#2.2 acres	7,300 sq. ft.	60,000	None approved	None approved
*Wilkinson winery	110 Camino Oruga	1.2 acres	13,000 sq. ft.	310,000	None approved	None approved
*Barrel Ten Quarter	33 Harlow Court	3.65 acres	96,200 sq. ft.	43,000,000	70	12/yr w/200 & 24/yr w/10
*Rombauer Vineyards	601 Airpark Road	5.95 acres	111,121 sq. ft.	880,000	None approved	None approved
Rudd winery	Sheehy Court/Devlin Road	2.5 acres	34,510 sq. ft.	120,000	None approved	None approved
Gateway winery	Technology Way/Morris Court	11.1 acres	261,000 sq. ft.	600,000	200	3/mo w/250
*Bourassa winery	190 Camino Oruga	#1.67	9,604 sq. ft.	60,000	45	10/yr w/50
Busby winery	455 Technology Way	1.28 acres	18,162 sq. ft.	50,000	None approved	None approved
Rocca winery	129 Devlin Road	1.0 acre	6,700 sq. ft.	20,000	224	4/wk w/50 & 8/yr w/50
Black Cat winery	194 Camino Oruga	#1.67 acres	3,350 sq. ft.	12,500	140	4/yr w/30

* - Producing wineries

- Multi-tenant building

Property History:

1990: A Site Plan Approval (SA-90-04) was approved to construct two industrial buildings for warehouse and trade shops totaling 29,014 sq ft. The first building was 16,912 sq. ft. and was constructed in 1991 and the second

building was 11,996 sq. ft. and was constructed in 2004.

2004: A Parcel Map (P04-0266-PM) was approved to convert the multi-tenant industrial structures into ten industrial condominium units and one common area parcel.

2005: A Parcel Map (P05-0059) was approved to add two additional industrial condominium units for a total of twelve with no expansion of the footprint of either building.

2009: A Use Permit was approved establishing the Bourassa winery with an annual production capacity of 60,000 gallons, 9,604 sq. ft. of floor area, tours and tasting by prior appointment for a maximum of 45 visitors per week, and a marketing plan with 10 events per year for up to 50 guests at each event.

Code Compliance History:

There are no records of prior code violations.

Discussion Points:

1. Exterior Building Elevations - The winery will be located within a completed multi-tenant industrial building. The building design is a concrete tilt up with a stucco finish, and each unit has a roll up door and a man door. The overall building is rather typical for a mixed use, light industrial building. The project site is zoned General Industrial (GI), and therefore, the building was not subject to any architectural evaluation as is the case in other GI-zoned industrial areas.

The Commission has previously commented that winery projects in the industrial park should be held to a high design standard in keeping with General Plan policy that Napa wineries "convey an appearance of quality and permanence." The applicant is proposing exterior improvements to the facility similar to those made by the Bourassa winery located in the other building on the site including an awning over the entrance, potted plants and other accents.

Staff believes that added significant architectural improvements to this building would be difficult and possibly cost prohibitive given the small scale of this winery operation and fleeting views from Camino Oruga. As evidenced by other similar facilities in the industrial park, if this winery is successful and the need for visitation increases, it will likely necessitate the tasting/visitation component of the business relocating to an area more conducive for visitation.

2. 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.

3. Tours and Tastings / Marketing Events - Tours and tastings to the proposed winery would be by prior appointment, with a maximum of 20 visitors per day and a maximum of 140 visitors per week. In addition, a marketing program is proposed for the facility, including four (4) events per year for a maximum of 30 guests at each event. All food for the proposed marketing events will be catered. The proposal does not include a commercial kitchen.

4. Water/Sewer - The project site is currently connected to municipal water provided by the City of American Canyon and domestic sewer provided by the Napa Sanitation District. Both agencies have indicated that there is capacity to

serve the proposed winery and new will-serve letters were not required. The applicant proposes a hold and haul system for winery process waste disposal. Staff is recommending measures to screen the proposed holding tank.

5. Greenhouse Gas Reduction Strategies - In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds related to greenhouse gas emissions (GHG) for new development. The thresholds were challenged in court, but recently upheld by the court of Appeals. The District's screening table (BAAQMD Air Quality Guidelines, Table 3.1) suggests that similar projects such as a quality restaurant and light industrial uses with less than 9,000 sq. ft. and 121,000 square feet of floor area, respectively, would not generate GHG in excess of the significance criterion (1,100 metric tons of carbon dioxide equivalents per year). By comparison a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses. The conversion of approximately 3,350 sq. ft. an existing 11,996 sq. ft. warehouse area to winery use is well below the screening levels for similar uses in the District's Guidelines, therefore the proposed use would not generate GHG above the significance threshold established by the District, and further analysis (and quantification) of GHG emissions is not warranted.

Although the proposal consists of primarily interior building improvements, the applicant has expressed a willingness to implement energy efficient products where feasible and intends to implement a recycling program.

Consistency with Standards:

1. AIASP / Zoning - The GI:AC (Industrial Park: Airport Compatibility) allows wineries and associated accessory uses, warehousing, distribution and office uses with the approval of a use permit. Site layout, building design, coverage, and setbacks comply with all applicable Airport Industrial Area Specific Plan (AIASP) and zoning regulations.
2. Department/Division Review - The Fire Department, Engineering Services Division, Public Works Department, and Environmental Health Division have all recommended approval of the project as conditioned.
3. Other Agencies - The facility has municipal water and sewer services provided by the City of American Canyon and the Napa Sanitation District, respectively. Both agencies indicated the project was consistent with previously issued will-serve letters. The Napa Sanitation District has also conditioned the project for compliance with applicable District requirements.

SUPPORTING DOCUMENTS

- A . Findings
- B . Conditions of Approval
- C . Review Agency Comments
- D . Application Materials
- E . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell