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A Commitment to Service

Agenda Date: 11/18/2009
Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Chris Cahill, Planner - 707.253.4847
SUBJECT: Marciano Winery Use Permit Application P08-00423-UP

RECOMMENDATION

MAURICE MARCIANO / NAPA VINELAND PROPERTIES / MARCIANO WINERY - USE PERMIT P08-00423-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 and Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: Use Permit No. P08-00423-UP to establish a new 20,000 gallon per year winery with: 1.) a 2,795 sq. ft. single-story barrel storage building; 2.) a 7,314 sq. ft. two-story production, office, catering kitchen, and hospitality building; 3.) a 566 square foot mechanical building with adjoining mechanical yard; 4.) two full-time and two part-time employees; 5.) nine parking spaces; 6.) by-appointment tours and tastings with a maximum of 15 visitors per day and 75 per week; 7.) a marketing plan with six 50-person marketing events, one 75-person release event, and participation in Auction Napa Valley; 8.) improvement of an existing unpaved vineyard lane to winery road standards; 9.) new domestic and process wastewater treatment systems with subsurface disposal; and 10.) two new water tanks on an existing upslope gravel pad. The project is located on a 55 ½ acre parcel located on the south side of Sulphur Springs Avenue, approximately 1 mile southwest of its intersection with St. Helena Highway (State Route 29 or Main Street in the City of St. Helena) within the AW (Agricultural Watershed) zoning district. APN: 027-020-061. 2233 Sulphur Springs Avenue, St. Helena, Calif., 94574

Staff Recommendation: Adopt the mitigated negative declaration and mitigation monitoring and reporting plan and approve the requested use permit as conditioned.

Staff Contact: Chris Cahill, 253-4847 or ccahill@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the Marciano Winery, based on findings 1-5 of Exhibit A and
2. That the Planning Commission approve Use Permit P08-00423 based on findings 6-10 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion:

The applicant proposes a new 20,000 gallon per year winery to be located in a secluded valley at the center of a large 55 1/2 acre parcel on the southern side of Sulphur Springs Avenue, just south of the City of St. Helena. Other portions of the property, generally removed at least 800 feet from the proposed winery, house the historic Bourn or Madrono Estate and are proposed to continue in their current residential use. The winery itself would be located in two new buildings, a roughly 3,000 square foot barrel storage building and a roughly 7,000 square foot winemaking, tasting, and administrative building, which are proposed to be cut into the side of a pine-covered knoll surrounded by existing vineyards. The proposed winery would have a maximum of 15 by-appointment visitors per day, no more than 75 per week, and a marketing program including seven events annually with 50 to 75 visitors per event. Staff believes required findings can be made in support of the requested use permit and we recommend approval as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Environmental Determination: 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 and Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Napa Vineland Properties (Maurice Marciano)

Applicant: John Taft, Backen and Gillam Architects

Representative (Planner): Jeffrey Redding

Zoning: AW (Agricultural Watershed)

General Plan Designation: AWOS (Agriculture, Watershed, and Open Space)

Filed: June 19, 2008 **Complete:** July 14, 2009

Winery Size: 10,675 square feet

Production Capacity: 20,000 gallons per year

Visitation: By-appointment tours and tastings; 15 visitors per day and 75 per week maximum

Number of Employees: 2 full-time and 2 part-time

Hours of Operation: 9 am to 5:30 pm Monday through Saturday; longer during crush

Marketing: Six 50-person private promotional tastings with meals annually, one 75-person release event annually, and participation in Auction Napa Valley (all figures are max)

Parking: 9 spaces

Parcel Size: 55 1/2 acres

Accessory/Production Ratio: 37.2% (40% allowed)

Winery Coverage: Approx. 1 acre (15 acres allowed) and 2% of the lot area (25% allowed)

Setbacks: 1,200' front (300' required), 400' west side (20' required), 400' east side (20' required), and 1,000' rear (20' required)

Adjacent General Plan Designation/ Zoning / Land Use:

North

City of St. Helena Agriculture General Plan designation

Primarily agricultural uses; including a 13 acre vineyard and residential parcel (Simpson) and a 7 acre vineyard parcel (Talbot)

South

Agriculture, Watershed, and Open Space General Plan designation

AW zoning

Open space; including a 114 acre forested parcel (Wight)

East

Agricultural Resource General Plan designation

AP zoning

Residential, agricultural, and open space uses; including a 75 acre farm parcel (Taplin)

West

Agriculture, Watershed, and Open Space General Plan designation

AW zoning

Agricultural and residential uses; including a 28 acre vineyard and residential parcel (Peters)

Nearby Wineries (located within one mile of the project):

Edge Hill Estate Winery - 2585 Sulphur Springs Ave. - Approved 2001 - 24,000 gal/yr - By appointment

Corbett Vineyards - 2959 White Sulphur Springs Rd. - Approved 2004, *not yet producing* - 30,000 gal/yr - By appointment

Jaeger Family Vineyards - 2125 Inglewood Ave. - Approved 1982 - 13,200 gal/yr - By appointment

Flora Springs Wine Company - 1978 West Zinfandel Ln. - Approved 1978 - 120,000 gal/yr - By appointment

Hall Winery - 401 South St. Helena Hwy. - Established 1934 - 1,260,000 gal/yr - Open to the public

Parcel History and Evolution of this Application:

In, or about, 1872 - William and Sarah Bourn, owners of the Empire Gold Mine in Grass Valley, purchase the property as part of a larger 140 acre holding. They plant much of the property to orchards and vineyards and construct the Madrono Estate (currently the Marciano residence).

1950's - The Madrono Estate (along with Greystone Winery, which was also constructed by the Bourn family), is purchased by the Christian Brothers.

1961 - The Planning Commission approves **use permit No. 44-61**, allowing the conversion of the Madrono Estate into a Catholic retreat center.

1976 - The Planning Commission approves **use permit modification No. 17677**, allowing the construction of a multi-room dormitory and a gymnasium on the property.

Early 1990's - The Diocese of Santa Rosa briefly, and in the face of what appears to have been significant neighborhood resistance, considers converting the property into a "psychiatric rehabilitation facility" for troubled priests.

1994 - The property passes into private hands; Planning Director issues a written determination that the retreat center had been abandoned through disuse.

June 2008 - The Planning Division approves **administrative home occupation permit No. P08-00415**, allowing a wholesale wine business as a home office to be located within the main residence.

Code Compliance History:

Having discussed the application with Enforcement staff, toured the property, and reviewed the Department's files, staff is not aware of any code compliance issues on the subject parcel.

Discussion Points:

Setting

The Marciano Winery is proposed on a 55 ½ acre parcel located on the south side of Sulphur Springs Avenue, more than a mile west of Highway 29, and just south of the St. Helena city limit. The lower portions of the property are extensively developed with the buildings and grounds of the historic Bourn (or Madrono) Estate. The lower portion of the property includes a historic residence, a large dormitory building, barns and other outbuildings, and extensive manicured gardens and grounds. As noted under Parcel History, above, the property was operated by the Christian Brothers as a retreat center for much of the period between 1960 and 1990. That use has since been abandoned, and the property is now given over entirely to single-family residential and agricultural uses.

Moving south, and upslope, from the buildings of the Bourn Estate, existing gravel farm roads climb into a small bowl valley. This central portion of the property is surrounded by pine covered knolls to the north and the heavily forested lower ridges of the Mayacamas in all other directions; as a result, it is all but invisible from Sulphur Springs Avenue, neighboring properties, and even the developed lower portion of the Marciano property itself. The area has long been used for vineyards, orchards, and pasture and it is currently planted to about 8 acres of vineyard and several additional acres of upslope olive groves. The new Marciano Winery would be located in this central bowl valley, cut into the side of one of the two knolls which mark its northern edge.

The Proposed Winery

Mr. Marciano is proposing a 20,000 gallon per year winery focused on the production of premium red wines from both estate-grown and contracted fruit. The facility would be located in two new purpose-built structures. The first is a roughly 7,000 square foot two-story winemaking/hospitality/administration building with winemaking activities focused on the lower level and accessory uses such as a tasting room, large covered veranda, commercial kitchen, and office areas located on the second floor. The second is a single-story round barrel storage and aging building totalling slightly less than 3,000 square feet. The buildings would be primarily clad in stone with shingle siding on upper levels and a mix of copper and standing seam metal roofing.

Access to the facility will be along an existing gravel vineyard road which runs from the property's northwest corner up and into the valley at the property's center; the road is to be paved and widened to 18 feet to meet the County's winery road standards. In addition, the applicants are proposing a new septic field to be located near the intersection of Sulphur Springs Avenue and the winery driveway, a nine car parking lot just east of the proposed barrel storage building, and a roughly 600 square foot mechanical building with an associated equipment yard.

Visitation and Marketing

Tours and tastings visitation to the proposed Marciano Winery would be by-appointment, with a maximum of 15 visitors per day and no more than 75 per week. In addition, a moderately-sized marketing program is proposed for the facility, including six 50-person private promotional tastings with meals annually and one 75-person release event. Normal hours of operation would be 9 am to 5:30 pm, Monday through Saturday.

Accessory to Production Ratio

The Commission may have noted that the new winery's proposed ratio of production space (crush areas, barrel storage, etc) to winery accessory space (tasting rooms, offices, kitchens, and the like) is close to the 40% allowed by the Winery Definition Ordinance. Mechanical space, of which the proposed winery has quite a bit, is defined as production space by the WDO, and it is partially through the provision of very ample mechanical areas that the project has achieved its proposed 37.2% accessory to production ratio. The project architect has provided a detailed accounting of the proposed uses for each of the identified mechanical spaces (please see MEP Equipment Space Allocation, Backen and Gillam Architects, August 18, 2009, at Attachment H) and based on that additional information, staff is comfortable that this project meets the WDO's 40% production area limitations.

Traffic Impacts and Caltrans Comments

The traffic signature of a winery of the scale of proposed here is relatively limited. The Marciano Winery would have 2 full-time employees, 2 part-time employees, 15 busiest-day tours and tasting visitors, and potentially 4 busiest day production truck pickups/deliveries. Assuming 1 occupant per car for employees and 2.6 occupants per car for visitors, the project would account for an average of 14 daily trips to and from the property. By way of comparison, an AW zoned parcel developed with a primary single-family residence, a second unit, and a guest cottage is assumed to create roughly the same number of daily trips.

The project also includes a number of private marketing events, including 50-person special events and a 75-person release event. The marketing plan would add up to 29 trips on the annual date of the largest event, a 75-person release party. Because perhaps 12,000 gallons of the winery's proposed production might ultimately be from grapes grown off-site, somewhere between 7 and 37 grape truck trips would also be generated annually.

These grape delivery trips would, however, occur during the one to two month harvest period and would generally be limited to the early and mid morning hours. It's also worth noting that trips which would otherwise be generated by the hauling of grapes off the property and to an off-site winemaking facility would be eliminated, limiting the net trip generation to perhaps 5 to 25 additional trips.

On an average day, then, this project would result in 14 vehicle trips and on the busiest day annually it would result in 43 additional trips. According to information provided by the City of St. Helena, their traffic studies indicate that the current "Level of Service" at the Sulphur Springs Avenue/Highway 29 intersection is "B" during the morning peak hour and "A" during the afternoon peak. In addition, the facility's location on a public road more than a mile west of Highway 29, and with a number of intervening non-highway access paths serves to limit and disperse impacts on the Highway. As analyzed both here and in the project mitigated negative declaration, project impacts on traffic and off-site circulation should be less than significant

Caltrans has submitted comments (see their letter of October 22, 2009 at Attachment **D**), requesting: 1.) a marketing event Traffic Control Plan and 2.) mitigation measures addressing cumulative traffic impacts on State Highway 29. Standard winery conditions of approval require bussing to and from marketing events that exceed the capacity of on-site parking facilities (in this case 9 spaces). The County has found existing controls on marketing event parking to be adequate to address special event traffic at other wineries throughout the Valley. The marketing program proposed here is fairly limited in both size and scope, and we do not believe that a detailed special event Traffic Control Plan is warranted in this case.

As the Planning Commission surely remembers, cumulative traffic impacts on roadway segments throughout the County were analyzed in the 2008 General Plan Environmental Impact Report. Significant cumulative traffic impacts were found to exist at the 2030 General Plan horizon along much of Highway 29 as it runs up-Valley and a statement of overriding considerations was adopted as part of the General Plan approval process. In addition, the 14 average day trips proposed by this application are simply not considerable when viewed against the 1,919 vehicles which pass through the nearest analyzed roadway segment (State Highway 29 between Chaix and Zinfandel Lanes- See 2008 General Plan DEIR, Table 4-4.4) during the combined am and pm peak hours on an average weekday. Staff believes any that any cumulative traffic impacts were considered in, and subject to the statement of overriding considerations in, the 2008 General Plan EIR and that they are less than considerable in either case. No mitigation of cumulative traffic impacts on Highway 29 is necessary.

Consistency with Standards:

Zoning

The project is consistent with AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in connection with a winery (see Napa County Code § Section 18.16.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and applicable sections of the Zoning Code.

Building Division Requirements

The Building Division recommends approval with standard conditions. Please see their December 14, 2008 note (attached).

Fire Department Requirements

The Fire Marshal's office recommends approval with standard conditions. Please see their August 19, 2009 memo (attached).

Department of Public Works Requirements

The Department of Public Works recommends approval with standard conditions. Please see their memo (attached).

Department of Environmental Management Requirements

The Department of Environmental Management recommends approval with standard conditions. Please see their July 10, 2008 and August 12, 2009 memos (attached).

Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comments or conditions. Please see their August 3, 2009 note (attached).

SUPPORTING DOCUMENTS

- A . Proposed Findings
- B . Proposed Conditions of Approval
- C . County Department Comments/Conditions
- D . Other Agency Comments
- E . Project Revision Statement and Mitigation Monitoring Program
- F . Mitigated Negative Declaration
- G . Voluntary Greenhouse Gas Reduction Checklist
- H . Submitted Application Materials
- I . Presentation Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell