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A Commitment to Service

Agenda Date: 12/1/2010

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: DONALD BARRELLA, PLANNER III - 707-299-1338

SUBJECT: TFC - Vineyard 22 Winery Use Permit Applications P10-00034-UP, P10-00180-UP and P10-00181-VIEW

RECOMMENDATION

VINEYARD 22 WINERY / TFC - VINEYARD 22 LLC - USE PERMIT EXCEPTION #P10-00180-UP, VIEWSHED #P10-00181-VIEW, AND USE PERMIT #P10-00034-UP

CEQA Status: A Mitigated Negative Declaration was previously adopted for the project site in conjunction with the approval of Agricultural Erosion Control Plan #P09-00465-ECPA (State Clearinghouse No. 2008012010 adopted July 28, 2010). The site is currently being developed with 9.7 acres of vineyard in reliance of #P09-00465-ECPA. The proposed winery project is consistent with the winery analyzed in the previously adopted Mitigated Negative Declaration, and therefore the requested actions are within the scope of the previously adopted Mitigated Negative Declaration. No new potential environmental effects have been identified that were not previously addressed in the Mitigated Negative Declaration, and therefore no further environmental documentation is necessary pursuant to State CEQA Guidelines Section 15162.

Request: This item requires three approvals:

A.) Conservation Regulations Use Permit Exception (#P10-00180-UP) to allow the construction of the proposed winery facility on a building site slope averaging 35.5% - pursuant to Napa County Code section 18.108.040 (B) a use permit is required for development on slopes of 30% or greater.

B.) Viewshed Protection Program (#P10-00181-VIEW) to allow the construction of the proposed winery facility on a building site with a slope greater than 15% that is visible from a designated viewshed road (Deer Park Road) - pursuant to Napa County Code section 18.106.030 (A).

C.) Winery Use Permit (#P10-00034-UP) to establish a new 10,000 gallon per year winery with: 1) approximately 10,050 sq. ft. of caves, 2) approximately 3,400 sq. ft. of outdoor work area, of which 1,400sq. ft would be covered, 3) approximately 1,565 sq. ft. of winery structures, 4) a 1,300 sq. ft. hospitality patio, 5) one full-time and two part-time employees, 6) a parking area that includes nine parking spaces, 7) installation of drainage improvements and subsurface detention facility, 8) by-appointment tours and tastings with a maximum of 15 visitors per day and 50 per week, 9) a marketing plan with nine 30-person marketing events, 10) installation of a winery access road, and 11) installation of a new domestic and process wastewater treatment systems with subsurface disposal. The proposed project would occur on a 22.61-acre parcel located on the east side of Deer Park Road approximately

0.75 miles north of its intersection with Sanitarium Road, within an Agricultural Watershed (AW) zoning district. Assessor's Parcel #021-420-015, 1156 Deer Park Road, Deer Park.

Staff Recommendation: Find the project within the scope of the previously adopted Mitigated Negative Declaration and approve the application as proposed, subject to the mitigation measures and conditions of approval.

Staff Contact: Donald Barrella (707) 299-1338 or donald.barrella@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Finds the project within the scope for the previously adopted Mitigated Negative Declaration for the Vineyard 22 Erosion Control Plan (P09-00465-ECPA) adopted on July 28, 2010, as set forth in findings 1-6 of attached Exhibit A;
2. Approves a slope exception to the Conservation Regulations (Use Permit #P10-00180-UP) based on findings 7-13 of Exhibit A and subject to the attached conditions of approval (Exhibit B);
3. Approves Viewshed application #P10-00181-VIEW based on findings 14-20 of Exhibit A and subject to the attached conditions of approval (Exhibit B), and;
4. Approves Winery Use Permit #P10-00034-UP based on findings 21-25 of Exhibit A and subject to the attached conditions of approval (Exhibit B).

Discussion:

The applicant proposes a new 10,000 gallon per year winery to be located in the western portion of a 22.61-acre parcel that fronts the eastern side of Deer Park Road. A majority of the winery production activities would occur within the approximate 10,050 square feet of proposed caves and are not visible from Deer Park Road. Activities to occur within the caves include; grape sorting and crushing, fermentation, barrel and equipment storage, winery office and lab, and catering kitchen. Approximately 3,400 square feet of outdoor work area associated with the caves is proposed, approximately 1,400 square feet of which is covered with a wood trellis. Activities to occur in the outdoor areas are limited to fruit and equipment staging, bottling (via mobil truck-mounted bottling unit), and some shipping and receiving activities. Approximately 1,565 square feet of winery structures are proposed, which house the mechanical and electric rooms, employee restroom, agricultural vehicle storage, glycol chiller, wastewater treatment system, and garbage and recycling enclosure. A 1,300 square foot hospitality patio associated with the caves is also proposed.

The winery would have a maximum of 15 by-appointment visitors per day, no more than 50 per week, and a marketing program including nine 30-person marketing events and participation in Auction Napa Valley.

Staff believes the required findings can be made in support of the requested land use actions, and are recommending approval subject to the mitigation measures and conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Mitigated Negative Declaration was previously adopted for the proposed project and project site (State Clearinghouse No. 2008012010: Certified July 28, 2010) in conjunction with the approval of Agricultural Erosion Control Plan #P09-00465-ECPA on July 28, 2010. The site is currently being developed with 9.7-acres of vineyard in reliance of #P09-00465-ECPA. The proposed winery is in substantial conformance with the winery analyzed in the previously adopted Mitigated Negative Declaration, and therefore, the requested actions are within the scope of the previously adopted Mitigated Negative Declaration. No new potential environmental effects have been identified that were not previously addressed in the adopted Mitigated Negative Declaration, and therefore, no further environmental documentation is necessary pursuant to State CEQA Guidelines Section 15162.

BACKGROUND AND DISCUSSION

Owner: TFC - Vineyard 22 LLC

Applicant: Thomas Carey - Dickenson, Peatman & Fogarty

Representative (Attorney): Thomas Carey - Dickenson, Peatman & Fogarty

Zoning: AW (Agricultural Watershed)

General Plan Designation: Agriculture, Watershed, and Open Space

Initially Submitted: February 1, 2010 **Declared Complete:** November 10, 2010

Winery Size: 1,565 sq. ft. of winery structures, 3,400 sq. ft. of outdoor work area (2,000 sq. ft uncovered and 1,400 sq. ft. covered), 1,300 sq. ft. hospitality patio, and 10,050 sq. ft. caves; for a total of 16,315 sq. ft..

Production Capacity : 10,000 gallons per year

Visitation: By appointment, maximum 15 people per day and 50 people per week

Marketing: Nine 30-person special events and participation in Auction Napa Valley annually: all marketing events include catered food service

Number of Employees: One full-time and two part-time employees

Hours of Operation: 8:00 am to 5:00 pm seven days a week - tours and tasting by-appointment only

Parking: Nine parking spaces, including one ADA-accessible space.

Winery Coverage: Approximately 0.5-acres (5.7-acres allowed) and 2% of the lot area (25% allowed)

Accessory/Production Ration: Approximately 14% (25% allowed)

Property Line Setbacks: 270 feet (20' required), east side +700 feet (20' required) ,west side 320 feet (20'

required), and rear 240 feet (20' required)

Winery Road Setback: 310 feet proposed (300' required) - taken from road centerline

Parcel Size: 22.61-acres

Adjacent General Designation / Zoning / Land Use:

North

General Plan Designation: Agricultural Watershed and Open Space (AWOS)

Zoning: Agricultural Watershed (AW)

Uses: Vineyard, Open Space, and Rural Residential, including a 115-acre rural residential parcel (Cooley);

South

General Plan Designation: AWOS

Zoning: AW

Uses: Vineyard, Open Space, and Rural Residential, including a 8.75-acre parcel (McDannald);

East

General Plan Designation: AWOS

Zoning: AW

Uses: Vineyard, Open Space, and Rural Residential, including a 15.64-acre wooded parcel (Cooley); and

West

General Plan Designation: AWOS

Zoning: AW

Uses: Vineyard, Open Space, Rural Residential, and Winery, including a 45.84-acre vineyard and winery parcel (Viader Vineyards) and a 29.97-acre vineyard and winery parcel (Burgess Cellars).

Nearby Wineries (within one mile of the project site)

Viader Vineyards - 1120 Deer Park Road - 32,000 gallons per year - private

Burgess Cellars - 1108 Deer Park Road - 70,000 gallons per year - tours and tasting by appointment

Bremer Family Winery - 975 Deer Park Road - 14,000 gallons per year - tours and tasting by appointment

Broman Cellars - 945 Deer Park Road - Approved 2007, *not yet producing* - 20,000 gallons per year - tours and tasting by appointment

Rossini Winery - 424 Crystal Springs Road - 20,000 gallons per year - tours and tasting by appointment

Ladera Winery - 150 South White Cottage Road - 150,000 gallons per year - no tours and tasting

Arkenstone Vineyards - 335 West Lane - 48,000 gallons per year - tours and tasting by appointment

Bravante Winery - 330 Stone Ridge Road - 20,000 gallons per year - tours and tasting by appointment

Lail Vineyards - 320 Stone Ridge Road - Approved 2003, *not yet producing* - 12,000 gallons per year - tours and tasting by appointment

Code Compliance History:

In 2002, the prior owner of the parcel installed an approximate 1,300 foot long driveway, leading from Deer Park Road to an anticipated home site in the northeastern portion of parcel, without proper approvals/permits. A Structural Erosion Control Plan (#02413-ECPS) was subsequently approved for the driveway in May of 2004. Having discussed the application with Enforcement staff, toured the property, and reviewed the Department's files, staff is not aware of any current code compliance issues on the subject parcel.

Property History:

September 2002

The Conservation, Development, and Planning Department identifies the violation discussed above. The owner at the time submits Structural Erosion Control Plan #02413-ECPS to rectify the matter.

February - May 2004

Viewshed application (#04100-VIEW) for the construction of a Single Family Residence located in the northeast corner of the property and a Structural Erosion Control Plan modification application (#P04-0216-ECPS) to modify #02413-ECPS for the home site and a 135 foot extension to the driveway submitted by the prior owner, which was approved in May 2004.

June 2004 - May 2006

The Building Department issued building permit #B04-00096 for the construction of a single family residence. Work done in reliance of that permit primarily included the preparation for foundation construction. No further work was done in reliance of the building permit and the permit expired May 2006.

March 2009

TFC - Vineyard 22 LLC acquires the subject parcel

October 2009

Agricultural Erosion Control Plan application (#P09-00465-ECPA) submitted for the development of 9.7-acres (6.2 planted acres)

February 2010

Winery use permit application (P10-00034-UP) submitted for the development of the subject winery.

June - July 2010

Initial Study and Mitigated Negative Declaration analyzing both the vineyard development project (P09-00465-ECPA) and subject winery development project (P10-00034-UP etal) circulated for public review. On July 28, 2010, the Conservation, Development, and Planning Department certified the Mitigated Negative Declaration (SCH #2008012010) and approved Agricultural Erosion Control Plan (#P09-00465-ECPA)

August - October 2010

Commencement of vineyard development approved under #P09-00465-ECPA: as of the writing of the staff report approximately one third of the vineyard area has been prepared and winterized.

Discussion Points:Setting

The proposed Vineyard 22 Winery would occur on a 22.61-acre parcel located on the east side of Deer Park Road, approximately 0.75 miles north of its intersection with Sanitarium Road. There is a scenic outlook area located on the west side of Deer Park Road directly across from the subject parcel and project site: views from the scenic outlook area are predominately to the west and southwest across the Napa Valley.

The proposed winery development site is within the western portion of the parcel, at the base of the steeply sloping portion of the parcel just outside of the required 300 foot winery setback.

Visitation and Marketing

Tours and tastings visitation to the proposed winery would be by-appointment, with a maximum of 15 visitors per day and no more than 50 per week. A minimal marketing plan is proposed for the winery, consisting of nine 30-person private food and wine tasting events for the trade annually and participation in Auction Napa Valley.

There are 9 nearby wineries, of these only 5 have marketing plans that include events, which range from 8 to 14 events annually. A majority of these events are for 75 or fewer people: a total of only 4 annual events of nearby wineries exceed 75 people. The proposed marketing plan appears consistent with nearby wineries and appropriate for the area and site.

Access and Circulation

Access to the winery facility would utilize the existing access drive from Deer Park Road. Approximately 300 feet of the existing access drive from its connection with Deer Park Road to a point where it cutbacks to the southeast is proposed to be widened to 20 feet and improved to accommodate access in accordance with the County's winery road standards. An approximate 100 foot extension to the driveway (north of the point where it cuts back to the southeast) would be developed to access the winery parking lot and winery. Additionally, the driveway's access point at Deer Park Road would be widened to facilitate adequate ingress and egress for the winery facility - the location of the existing access point from Deer Park Road will not change due to these improvements. Site distances from the existing access point along this portion of Deer Park Road are approximately 500 feet to the south and approximately 850 feet to the north. Staff believes the use of the existing access point and a portion of the existing access drive for winery access is appropriate.

As proposed and analyzed the winery project, including marketing events, represents very low traffic generation, which is below the level which warrants the construction of a left-turn pocket on Deer Park Road. Due to the low production volume and limited visitation and marketing plan staff believes the winery could be operated with proposed staffing levels.

However, the traffic analysis relies on several assumptions regarding trip generation, in particular the number of employees and level of visitation and marketing. The Public Works Department has recommended that the amount of traffic generated by the project be maintained below the levels which warrant the construction of a left-turn pocket on Deer Park Road. Due to the volume of traffic and the speed of downhill traffic at this location, the project will not be able to add any greater level of activity than currently proposed without the improvement of a left-turn pocket: see the attached Public Works Conditions of approval.

Conservation Regulations Use Permit Exception

The siting of a winery on this parcel is primarily driven by required setbacks, access, and existing features. As proposed the winery facility would utilize approximately the first 300 feet of the existing drive to access the winery and to observe the 300 foot front setback; however, it would be located on a building site with an average slope of 35.5%, necessitating a Conservation Regulations use permit exception for construction on slopes exceeding 30%. It should be noted that the 300 foot winery setback line is approximately coterminous with the commencement of slopes on the parcel that are in excess of 30%.

Development site locations outside required setbacks that have slopes less than 30% would be limited to areas within the northern and eastern portions of the parcel. Locating a winery within the eastern and northeastern portions of the parcel would necessitate extensive grading and increased vegetation removal to develop an access drive that meets the County's winery road standards and accommodate vehicles associated with winery operation (emergency vehicles, garbage trucks, mobile wine bottling truck, and delivery trucks). Additionally, a use permit exception would most likely be required to develop such an access drive as it would traverse areas with slopes greater than 30%. Siting a winery within the northern portion of the parcel would also be challenging as this area of the parcel is constrained by the rear yard setback (20 feet) to the north and excessive slopes to the south and east, which would make it difficult to accommodate all necessary winery site improvements within this area of the parcel. Furthermore, siting a winery in this location would limit the ability to utilize the existing access drive to the maximum extent practical: a new access drive lower in the parcel or a longer extension from the existing access drive crossing through areas of slopes in excess of 30% (thereby requiring a use permit exception) would need to be developed to access the northern portion of the parcel. Locating the winery lower in the western portion of the parcel where slopes are less than 30% could be considered, however, siting a winery in this location would

require a variance to the 300 foot front winery setback and would bring it much closer to Deer Park Road increasing its visibility and reducing areas to provide screening vegetation.

In an attempt to balance these environmental and regulatory constraints, the applicant's architect and engineers have minimized the footprint of the winery facility and located it to take advantage of existing site features (primarily the existing access drive) while observing applicable setbacks. The facility has been cut into the hillside and includes architectural details (shade trellis and varying exterior treatments) and design features (such as placing shorter walls in front of taller walls - terracing) to break up and reduce the visual mass of the facility and to add visual interest. The winery facility also features an enclosed waste water treatment facility (located within the winery) and runoff detention facility (located underneath the parking lot) which eliminates the need to create an external wastewater treatment pond and detention basin; thereby, reducing grading and vegetation removal to accommodate these facilities. Furthermore, a majority of the winery's processing and operations will occur within the caves, further reducing the need for accessory structures and outdoor work areas.

In order to approve an exception to the Conservation Regulations, the Commission must make a number of findings related to the quality and sensitivity of the site planning and facility design. As discussed, staff is comfortable finding that a special circumstance exists which would support the use permit exception: findings in support of the requested use permit Exception are attached as Exhibit A.

Viewshed and Landscaping

The project site is not located on a major or minor ridgeline: more prominent topographic features associated with Rattle Snake Ridge, Bell Canyon, and Howell Mountain are located to the north, south, and east of the project site. Approximately 16 trees are proposed for removal as part of winery development. These trees are predominately located in southwestern corner of the site in the vicinity of the existing access to the parcel and do not provide a significant visual resource, the larger intact woodland located in the central portion of the parcel currently provides a more prominent visual resource related to trees.

While the proposed winery would be partially visible from Deer Park Road and the scenic outlook area looking east, the affect on scenic resources would be minimal. Views of the proposed winery would be limited to fill slopes, which are proposed to be vegetated and of limited portions of the winery structure, which include portions of a trellis and wall that houses mechanical components of the winery. Highway 29 is located over 2.5 miles to the west of the project site, views of the project site from Highway 29 would be minimized by intervening geologic features and associated vegetation or of the upper (eastern) portion of the parcel that contains the larger intact woodland located in the central portion of the parcel, which is the more prominent visual resource of the parcel.

In order to approve a Viewshed permit the Commission must make a number of findings which are designed to protect the scenic quality of the County and to promote site planning and architectural design that are compatible with hillside terrain and which minimize visual impacts. The design of the proposed winery facility is understated, generally blending with its somewhat sparse surroundings, resulting in limited external views of the winery itself. Exterior treatments of the facility would utilize a mix of shotcrete, veneer plaster, and concrete in earth-tone colors. Additionally, shade trellises covering the northern end of the work pad area and a portion of the hospitality patio are proposed. The trellises would feature wood beam and steel post construction. The shade trellis associated with the work pad area would extend to the ground on its west elevation to provide additional screening of the cave portals. Findings in support of the requested viewshed permit are included in Exhibit A.

While the landscaping plan includes vegetation similar to the parcel that provides some additional screening of winery facility, staff believes that the plan could be bolstered by including replacement trees in the plan. Trees scattered below the parking lot and/or along the access driveway would provide adequate replacement vegetation and screening of the winery. Replacing trees to be removed consistent with the standard conditions (i.e. at a 2 to 1 ratio) would assist the project in meeting the viewshed design guidelines and ordinance which sets forth that structures visible from viewshed roads be "predominantly screened".

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, where variances and/or exceptions to the requirements of the Zoning Code are requested, staff believes required findings can be made (see Exhibit A).

Public Works Department Requirements

The Public Works Department recommends approval with standard conditions. Please see their October 7, 2010 and November 17, 2010 memos (attached).

Environmental Management Department Requirements

The Department of Environmental Management recommends approval with standard conditions. Please see their May 20, 2010 memo (attached).

Fire Department Requirements

The Fire Marshal's office recommends approval with standard conditions. Please see their April 9, 2010 memo (attached).

Building Division Requirements

The Building Division has reviewed this application and has no comments or concerns.

Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comments or concerns.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Environmental Management Conditions of Approval
- D . Public Works Conditions of Approval
- E . Fire Department Conditions of Approval
- F . Upper Valley Disposal Comment letter
- G . Initial Study - Mitigated Negative Declaration
- H . Mitigation Monitoring and Reporting Program
- I . Application Submittal Material
- J . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell