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Agenda Date: 2/15/2017

Agenda Placement: 8B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Sean Trippi, Principal Planner - 299-1353

**SUBJECT:** WHL Winery - Use Permit (P15-00215) & Road and Street Standards Exception Request

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### **RECOMMENDATION**

#### **SOUTH WHITEHALL LANE DEVELOPMENT, LLC / WHL WINERY / USE PERMIT (P15-00215-UP) & ROAD AND STREET STANDARDS EXCEPTION REQUEST**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. 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 to allow the construction of a new 10,000 gallon winery with the following characteristics: (a) a new 6,812 sq. ft. winery building with an 1,230 sq. ft. unenclosed covered crush pad area, bottling to be handled by a mobile bottling service on an as needed basis within the unenclosed crush pad area; (b) a 384 sq. ft. pump house and trash enclosure; (c) on-site parking for two (2) vehicles; (d) a new driveway adjoining the west property line; (e) fewer than 10 full and part time employees; (f) hours of operation from 6:00 AM to 6:00 PM, seven days per week; (g) four (4) water storage tanks with a capacity of 10,000 gallons each for fire protection, domestic and irrigation; and (h) Installation of a wastewater treatment system. No tours and tastings or marketing events are proposed. The request also includes an exception to the County's Road and Street Standards (RSS) to allow widths of less than 22-feet for two existing portions of the South Whitehall Lane shared access drive. The project is located on a 19.97-acre parcel within the Agricultural Preserve (AP) zoning district on the southeast side of South Whitehall Lane (a shared private access drive), approximately 630-feet west of the bend in the road or approximately 0.6 miles south of Whitehall Lane. 1561 South Whitehall Lane, St. Helena, CA 94574. APN: 027-460-013.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit, as conditioned.

**Staff Contact:** Sean Trippi, Project Planner, (707) 299-1353 or [sean.trippi@countyofnapa.org](mailto:sean.trippi@countyofnapa.org)

**Applicant Contact:** Donna B. Oldford, Plans4Wine, 2620 Pinot Way, St. Helena, CA 94574, (707) 963-5832

**EXECUTIVE SUMMARY****Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration based on Findings 1-7 of Attachment A;
2. Approve the Road and Street Standards Exception request based on Findings 8-10 of Attachment A and subject to the recommended conditions of approval (Attachment B); and,
3. Approve Use Permit No. P15-00215 based on Findings 11-15 of Attachment A and subject to the recommended conditions of approval (Attachment B).

**Discussion:**

The proposal is to establish a new winery with an annual production capacity of 10,000 gallon with a 6,812 sq. ft. winery building plus a 1,230 sq. ft. unenclosed covered crush pad area. No visitation or marketing is requested.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Implementation of the proposed project would result in minimal potential environmental impacts. The request for an exception to the Road and Street Standards has been reviewed by the Engineering Services Division and the Napa County Fire Department, who support the proposal. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

**FISCAL IMPACT**

Is there a Fiscal Impact?            No

**ENVIRONMENTAL IMPACT**

Negative Declaration prepared. According to the Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owner:** South Whitehall Lane Development, LLC (Patrick Cahill), 737 Olive Way #3901, Seattle, WA 98101 (206) 732-6515

**Applicant:** Jeffrey M. Woods, 165 South Park, San Francisco, CA 94107 (415) 374-7463

**Representative:** Donna B. Oldford, Plans4Wine, 2620 Pinot Way, St. Helena, CA 94574 (707) 963-5832

**Zoning:** Agricultural Preserve (AP)

**GP Designation:** Agricultural Resource (AR)

**Filed:** June 23, 2015

**Resubmittals/Revisions Received:** June 2, 2016 and September 16, 2016

**Deemed Complete:** November 2, 2016

**Parcel Size:** approximately 19.9 acres

**Existing Development:** Existing development on-site includes a main residence, caretaker's dwelling, tennis court, swimming pool, and water storage tanks for the residences and irrigation. Approximately 11.75 acres of the property is planted in vines. The site had previously been used for grazing. The property is currently accessed from two private driveways that serve the caretaker's residence and main residence. A new driveway is proposed near the west property line to provide access to the winery.

**Proposed Winery Characteristics:**

**Winery Size:** A 6,812 square foot winery building with a 1,230 square foot covered outdoor work area.

**Production Capacity:** 10,000 gallons per year.

**Development Area:** +/- 6,340 square feet or approximately 0.15 acres.

**Winery Coverage:** +/- 17,530 square feet or approximately 0.4 acres, 2% of parcel. (Maximum 25% or approximately 15 acres)

**Accessory / Production Ratio:** +/- 152 square feet accessory / +/- 7,890 square feet production - approximately 1.9% (Maximum 40% permitted)

**Number of Employees:** Fewer than 10.

**Proposed Visitation:** None proposed.

**Proposed Marketing Program:** None proposed.

**Days and Hours of Operation:** 6:00 AM to 6:00 PM daily.

**Parking:** Two parking spaces including one ADA space.

**Setbacks (Required):** 300 feet from South Whitehall Lane (front) and 20 feet from all other property lines.

**(Proposed):** The proposed facility would be setback approximately 348 feet from South Whitehall Lane; 20 feet to the outdoor covered work area/36 feet to the building wall (side - west); 300 feet from the shared access drive; approximately 52 feet from the top of the creek bank to the parking lot/retaining wall (nearest earth disturbing activity); and approximately 190 feet from the rear property line (east).

**Adjacent General Plan Designation/ Zoning / Land Use:**

North:

Agricultural Resource (AR) General Plan designation, Agricultural Preserve (AP) zoning -

Adjoining the project site to the north are two properties consisting of 2.0 and 2.5 acres. Both properties have

single family homes.

**South:**

Agricultural Resource (AR) General Plan designation, Agricultural Preserve (AP) zoning - Adjoining the project site to the south is a 16.6 acre property with a home and vineyards.

**East:**

Agricultural Resource (AR) General Plan designation, Agricultural Preserve (AP) zoning - On the eastern boundary of the project site is a 60.4 acre property planted in vines and a 68.4 acre property with a home and vines.

**West:**

Agricultural Resource (AR) General Plan designation, Agricultural Preserve (AP) zoning - Across South Whitehall Lane is a 30.3 acre property with a home and vineyards.

**Nearby Wineries (located within 1 mile of the project)**

Please refer to Attachment J.

**Parcel History:**

August 21, 1974 – The Planning Commission approved a Use Permit (#U-647473) for a caretaker's residence which was required to be occupied by a full-time caretaker working on the owner's property.

**Code Compliance History:**

None. There are no open or pending code violations for the project site. The County is not aware of any compliance issues on the property and no complaints have been filed.

**Discussion Points:**

**Setting** - The 19.97 acre project site is located on the southeast side of South Whitehall Lane (a shared private access drive), approximately 630-feet west of the bend in the road or approximately 0.6 miles south of Whitehall Lane. The site is located on the valley floor, approximately 900-feet east of the western hills, is generally flat and planted in vines as are several of the surrounding properties. The project site is also developed with a main residence, caretaker's dwelling, tennis court, swimming pool, and water storage tanks for the residences and irrigation. Access to the existing development on the property is via two driveways off South Whitehall Lane. Surrounding uses include single-family homes, vineyards, and wineries. The closest residence to the proposed winery structure would be approximately 760 feet east of the proposed winery building.

**Winery Proposal** - The applicant is proposing a 10,000 gallon per year winery located in a new 6,812 square foot winery building with a 1,230 square foot covered outdoor work area. The structure is single-story above grade with a basement level below. The buildings would be primarily stone veneer and glass wall/doors with a flat roof.

**Tours & Tastings/Marketing Events** - No visitation or marketing program is requested. However, a winery comparison chart has been provided as Attachment J which includes other 10,000 gallon winery facilities throughout the County and identifies whether these facilities of a similar size have visitation and marketing programs or not.

**Setbacks** - The proposed project meets all applicable minimum setbacks, including the 300-foot minimum winery

building setback from South Whitehall Lane (a private road).

Traffic and Parking - According to the County of Napa's Winery Traffic Information/Trip Generation Sheet, the proposed project's projected traffic volumes and PM peak trips are expected to be: 13 vehicle trips with 5 trips occurring during the PM peak period (4:00 PM – 6:00 PM), weekdays; 12 vehicle trips with 7 trips occurring during the PM peak period (3:00 - 4:00 PM), weekends; and, 20 vehicle trips with 11 occurring during the PM peak period (3:00 - 4:00 PM), on a Saturday during crush. Two (2) on-site parking spaces are proposed, including one (1) ADA space. As noted above, there are no tours and tasting or marketing activities proposed.

Road and Street Standards Exception - The request also includes an exception to the County's Road and Street Standards (RSS) to allow widths of less than 22-feet (two 10-foot wide travel lanes and two one-foot wide shoulders) for two existing portions of the South Whitehall Lane access drive. One section, approximately 115 linear feet, will have a maximum 14-foot width to minimize potential impacts to the Bale Slough stream crossing; the second section, with a length of approximately 900 linear feet, will be widened to the maximum extent possible and will have width of 16-feet, which is the width of the existing access easement. The applicant has attempted to acquire additional right-of-way from neighboring property owners to increase the width of the easement to no avail. The remainder of the access drive will be improved as necessary to meet County standards. The requested exception has been reviewed by the Fire Department and the Engineering Services Division; both have concluded that it meets the required findings.

Wastewater - Applied Civil Engineering prepared an Onsite Wastewater Disposal Feasibility Study, dated June 15, 2016, which demonstrated the feasibility of utilizing the existing residential septic system, a subsurface drip system, for treating the domestic wastewater and either treating and utilizing a surface irrigation system for the vineyard and landscaping or a hold and haul tank system to treat the winery process wastewater. The designs proposed in the report meet the Napa County Environmental Health Division's design standards for the treatment of winery and domestic wastewater. The Division of Environmental Health has reviewed the application and determined that the proposed wastewater systems are adequate to serve the facility's septic needs. No information has been encountered that would indicate a substantial impact to water quality.

Groundwater Availability - The applicant completed a Tier 1 Water Availability Analysis (WAA), prepared for the project by Applied Civil Engineering, Inc., dated May 6, 2016, which details existing and proposed ground water use rates. Based upon the site's location within the valley floor area, estimated groundwater availability would be 19.97 acre-feet per year (19.97 acres x 1.0). Existing uses on the project site include a main residence, caretaker's residence, pool and vineyards. The analysis indicates that existing uses on the site would have a typical annual water demand of 9.0 acre feet per year (af/yr). Vineyards account for 5.88 af/yr; the main dwelling and caretaker's residence account for 1.45 af/yr; and, landscaping accounts for 1.63 af/yr. The proposed project would result in an overall annual water demand of 9.3 af/yr. According to the analysis, the winery would create an increase in annual water demand, by 0.28 af/yr and landscaping by 0.08 af/yr, totaling an approximate increase of 0.3 af/yr. This estimate does not take into account the potential use of treated process wastewater for irrigation. The proposed winery water use is less than the property's calculated recharge rate of 19.97 acre feet per year. It should be noted that the second page of the appendices of the WAA notes there will be guests typical of three events (the second column), however, no marketing activities are proposed. The number of annual events in the first column and the water use of each event in the third column accurately reflect that there will be not guests for marketing events. According to Napa County environmental resource mapping (Water Deficient Areas/Storage Areas), the project site is not located within a water deficient area and the County is not aware of, nor has it received any reports of groundwater deficiencies in the area. The proposed project would not result in a substantial increase the demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level. The winery, as part of its entitlement will include the County's standard condition of approval requiring well monitoring, as well as, the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use.

Grape Sourcing - The project site currently has 11.75 acres of vineyard which would produce a little over 5,000 gallons or approximately 50% of the grapes needed for the requested annual wine production. Although other grape sources have not been confirmed, the applicant's representative has informed staff that the remaining grapes will hopefully come from nearby vineyards, but nevertheless, the applicant will comply with the 75% Napa Valley grape source requirement.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is included in the use permit application attached to this report as Attachment D. The project would incorporate the following voluntary best management practices: building to CALGREEN Tier 1 standards; energy conserving lighting; installation of an energy star roof/living roof/cool roof; installation of water efficient fixtures; low impact development; water efficient landscaping; and recycling. GHG Emission reductions from local programs and project level actions, such as the application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project specific on-site programs including those winery features noted above would combine to reduce emissions.

Public Comments - At the time of staff report preparation, no public comment letters had been received regarding the proposed project.

### **Decision Making Options**

As noted in the Executive Summary Section above, staff is recommending approval of the project with conditions of approval as described in Option 1 below.

Disposition - This option would result in approval of the proposed 10,000 gallon per year winery with no tours and tastings or marketing events, as well as, a RSS exception request

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant. Sufficient grapes and water supplies are available to serve the proposed project and there is no history of code compliance issues at the project site. Staff recommends this option based upon the reasons discussed above.

### Option 2 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

### Option 3 - Continuance Option

The Commission may continue this item to a future hearing date at its own discretion.

**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Initial Study/Negative Declaration
- D . Use Permit Application Packet
- E . Road and Street Standards Exception Request
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Stormwater Control Plan
- I . Graphics
- J . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina