



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 2/22/2017

Agenda Placement: 8B

## Napa County Planning Commission Board Agenda Letter

---

**TO:** Napa County Planning Commission

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

**REPORT BY:** Dana Ayers, Planner III - (707) 253-4388

**SUBJECT:** Black Sears Winery – Use Permit Major Modification #P15-00201 – MOD and Request for Exception to Napa County Road and Street Standards

---

### **RECOMMENDATION**

#### **ASHLANDER, LLC / BLACK SEARS WINERY / MAJOR MODIFICATION #P15-00201 – MOD AND REQUEST FOR EXCEPTION TO NAPA COUNTY ROAD AND STREET STANDARDS**

**CEQA Status:** Consideration and possible adoption of a Categorical Exemption pursuant to Class 3 (New Construction or Conversion of Small Structures). This proposed project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Major Modification to a Use Permit (P15-00201 – MOD) for an existing winery with an annual production capacity of 20,000 gallons of wine. The proposed modification has the following characteristics: (a) to occur at the winery, visitation of up to 16 guests per day, with appointments scheduled between the hours of 10:00 a.m. and 4:00 p.m., daily; (b) marketing events would include 10 events annually, with attendance of up to 30 people per event, including catered food and scheduled to occur between the hours of 10:00 a.m. and 9:00 p.m.; (c) recognition of a previously-built, 2,900 square foot expansion of the on-site wine cave; (d) retail sales and on-site consumption of purchased wine (Business and Professions Code Sections 23358, 23390 and 23396.5); (e) an exception to the Napa County Road and Street Standards to allow reduce the width of portions of the private segment of Summit Lake Drive to range from 13 to 18 feet; and (f) modifications to existing wastewater treatment infrastructure on the property. The 65.2-acre property on which the winery is located is at 2600 Summit Lake Drive, Angwin (Assessor's Parcel No. 018-060-066). The property has a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS) and is located in the AW (Agricultural Watershed) District.

**Staff Recommendation:** Find the project categorically exempt from CEQA and approve the requested Use Permit Major Modification, as conditioned.

**Staff Contact:** Dana Ayers, Planner III; (707) 253-4388 or email address [dana.ayers@countyofnapa.org](mailto:dana.ayers@countyofnapa.org)

**Applicant's Representative:** Jon Webb, New Albion Surveys; (707) 963-1217 or email address jwebb@albionsurveys.com

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Find the project categorically exempt from CEQA, based on Finding 1 of Attachment A;
2. Approve the request for exception to the Napa County Road and Street Standards, based on Findings 2-3 of Attachment A; and
3. Approve Major Modification to Use Permit No. P15-00201, based on Findings 4-8 of Attachment A, and subject to Conditions of Approval (Attachment B).

### **Discussion:**

The applicant requests a Major Modification to the existing use permit entitlements for the Black Sears Winery at 2600 Summit Lake Drive, Angwin. The Major Modification request includes introduction of visitation and marketing programs and addition of on-premises consumption of wine purchased on the property. To support the operational modifications, the applicant proposes minor changes to the existing on-site wastewater treatment system and widening of existing on-site access roads so as to comply with current County Road and Street Standards (RSS). Off-site, the applicant is requesting an exception to the RSS to allow portions of the private segment of Summit Lake Drive to be narrower than the RSS require.

Staff believes the necessary findings can be made and supports approval of the Major Modification and RSS exception requests. The reduction in road widths along portions of Summit Lake Drive would preserve mature maple, walnut and oak trees that currently flank the roadway. Staff recommends conditions of approval that would require the applicant to install signage and implement an ongoing vegetation management program to provide defensible space and improve sight distances. The additional accessory uses requested with the modification are consistent with the AW zoning district of the property and with General Plan policies that recognize visitation and marketing uses as accessory to and supportive of agriculture (winemaking). Recommended conditions of approval would include standard conditions governing accessory uses, as well as applicable conditions of previously-approved use permits for the winery.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Appendix B, Class 3 (New Construction or Conversion of Small Structures) of Napa County's Local Procedures for Implementing CEQA. This section of the Local CEQA Procedures exempts from CEQA

discretionary permits for wineries meeting certain criteria related to winery size and annual production, visitation and marketing levels. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

## **BACKGROUND AND DISCUSSION**

**Owner:** Ashlander, LLC

**Applicant:** Ashely Jambois, on behalf of Black Sears Winery; (707) 889-1243 or email address searsashley@gmail.com

**Applicant's Representative:** Jon Webb, New Albion Surveys; (707) 963-1217 or email address jwebb@albionsurveys.com

**Zoning District:** AW (Agricultural Watershed) District

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

**Application Filed:** June 10, 2015

**Resubmittals:** May 11, 2015, January 24, 2017

**Application Complete:** February 1, 2017

**Parcel Size:** 65.2 acres

**Existing Development:** The property is currently developed with a winery building, single-family residence, a garage and an agricultural barn. Approximately six acres on the property are planted with vineyards, and these vines would be retained with the proposed modification.

### **Winery Characteristics:**

**Building Area (Existing):** Approximately 1,950 square feet

**Building Area (Proposed):** No change

**Outdoor Production Area (Existing):** Approximately 3,420 square feet

**Outdoor Production Area (Proposed):** No change

**Cave Size (Approved):** 3,600 square feet

**Cave Size (Existing):** 6,500 square feet

**Cave Size (Proposed):** 6,500 square feet

**Annual Wine Production Capacity (Existing):** 20,000 gallons

**Annual Wine Production Capacity (Proposed):** No change

**Winery Development Area (Existing production facilities, storage, offices, laboratories, tasting rooms, kitchens, employee parking, excluding caves):** Approximately 8,600 square feet (per plans)

**Winery Development Area (Proposed production facilities, storage, offices, laboratories, tasting rooms, kitchens, employee parking, excluding caves):** No change

**Winery Coverage (Maximum allowed area of production facilities, storage, offices, laboratories, kitchens, tasting rooms, aboveground wastewater disposal systems, paved areas and access roads, excluding caves):**

15 acres

**Winery Coverage (Existing):** Approximately 1.65 acres (includes on-site portion of Summit Lake Drive)

**Winery Coverage (Proposed):** No change

**Accessory to Production Ratio (Maximum allowed):** 40 percent

**Accessory to Production Ratio (Existing):** 3.3 percent (363 cave entry structure in accessory use; 6,500 square foot cave, 1,584 square foot winery building and approximately 3,040 square feet of outdoor production area)

**Accessory to Production Ratio (Proposed):** 7.5 percent (803 square feet in proposed accessory/hospitality use; production areas include 6,500 square foot cave, 1,144 square feet in the fermentation/tank building, and approximately 3,040 square feet of outdoor production area)

**Number of Employees (Existing):** Two full-time, two part-time (excluding resident owners)

**Number of Employees (Proposed):** No change

**Visitation (Existing):** Not permitted

**Visitation (Proposed):** Up to 16 visitors per day; 112 maximum per week

**Marketing Program (Existing):** Not permitted

**Marketing Program (Proposed):** Up to 10 events per year, with up to 30 persons in attendance at each event

**Retail Wine Sales and On-Premises Consumption (Existing):** Not permitted

**Retail Wine Sales and On-Premises Consumption (Proposed):** Requested to occur in the hospitality/conference room (at entrance to cave) and the hospitality area within the winery building

**Days and Hours of Operation (Existing, non-harvest):** Daily 8:00 a.m. until 5:00 p.m.

**Days and Hours of Operation (Proposed):** No change

**Parking (Existing):** Six stalls

**Parking (Proposed):** No change

**Setbacks (Minimum Required):** 165 feet from centerline of Summit Lake Drive (existing condition, see County Code Section 18.104.230.C), 20 feet from side and rear property lines

**Building Setbacks (Existing):** 165 feet from centerline of Summit Lake Drive, 825 feet from side property line, and 1,400 feet from rear property line

**Building Setbacks (Proposed):** No change

#### **Adjacent General Plan Designations, Zoning Districts and Land Uses:**

All properties surrounding the Black Sears Winery parcel share the same General Plan Land Use Designation (Agriculture, Watershed and Open Space) and zoning classification (AW District) as the Black Sears Winery parcel. Development characteristics of properties in the vicinity of the site parcel include agricultural and rural residential development, as summarized in the following paragraphs.

**North:** A 160-acre parcel, partially developed with vineyards, adjoins the northern property line of the subject site. A 117-acre parcel and a 40.1-acre parcel that are both owned by the project applicant are located to the northwest; of these two, the larger is undeveloped and the smaller is partially planted with vineyards and has one single-family residence. Other parcels to the northeast include a vacant, 35-acre parcel and a 45-acre parcel with two residences.

**South:** A 35-acre parcel adjoins the southern property line of the site. The parcel is planted with vineyards and developed with a single-family residence. The Summit Lake Drive roadway spans the width of that parcel.

West: The western parcel line of the site adjoins the private right-of-way of Summit Lake Drive. On the opposite side of the roadway are two parcels, approximately 45 and 55 acres in size, that are both owned by the applicant. Roughly half of the larger parcel is planted with vineyard, and the smaller parcel has a single-family residence.

East: Two parcels of approximately 67 and 43 acres adjoin the eastern property line of the site. The larger parcel has a single-family residence but is largely undeveloped, while the smaller parcel has two residences and is planted with vineyard on roughly one-third of its area.

**Wineries within one mile of project site:**

There are three wineries located within one mile of the Black Sears Winery. Please refer to Attachment K.

**Parcel History:**

The owner of the 65.2-acre parcel obtained approval to operate a winery under a Small Winery Use Permit Exemption approved by the County Conservation, Development and Planning Department in June 1988. The winery had an annual production capacity of 20,000 gallons of wine per year, with one full-time and one part-time employee (excluding resident owners), and operated daily between 8:00 a.m. and 5:00 p.m. Winery structures included a barn to be converted for winery use (the 1,584 square foot "Winery" building, as labeled on the plans submitted with the current modification request), and a second, larger winery building (approximately 3,400 square feet), the construction of which was never pursued. The parcel at the time had a single-family residence and approximately six acres of vineyard.

In November 1999, the Planning Commission approved a use permit (#98595 – MOD) that modified the Small Winery Use Permit Exemption to: 1) allow an increase in employees from two to four; 2) add a 3,600 square foot cave and a 365 square foot building housing the stairway to the cave; and 3) increase the area of the concrete crush pad by 2,400 square feet, on the north side of the existing winery building. At that time, the winery operator identified a production level of 9,000 gallons of wine per year, so the approval included a condition requiring that at least 75 percent of grapes used to make the remaining 11,000 gallons of wine be grown in Napa County (County Code Section 18.104.250.B).

The most recent modification to the use permit occurred in January 2002 (#01181 – MOD), when the Zoning Administrator approved the applicant's request for installation of up to 20 outdoor storage tanks (ranging in size from 398 to 3,000 gallons) on existing concrete pads approved with #98595 – MOD. Eleven of these tanks are currently in place proximate to the winery building.

**Code Compliance History:**

The County has no records of open or closed code enforcement matters related to this winery or property. The County issued building permits for the original conversion of the on-site barn to winery, as well as for the 3,600 square foot cave and 365 square foot cave entry building (Building Permit Nos. 43575, B00-00118 and B00-00330). The current modification application includes a request for after-the-fact zoning approval of a 2,900 square foot wine cave expansion for which County staff could not find records of use or building permits.

**Discussion Points:**

Setting – The property is located in an area of woodlands and rural residential development. Several parcels, including the subject parcel, have single-family residences with and without vineyards. The residence closest to the winery is the on-site residence; the next closest off-site residence is over 800 feet to the west, on a 49-acre parcel under the same ownership as the winery property. Summit Lake Drive at the property frontage is a private road that also provides access to parcels located north and west of the site. From the winery access driveway

southward, Summit Lake Drive is private for approximately 1.6 miles before it transitions to a County-maintained roadway for another 0.4 miles until it terminates at the intersection with White Cottage Road, another public right-of-way that provides access to the more densely developed neighborhoods in Angwin.

Site and Building Improvements – As summarized under “Winery Characteristics,” above, the existing site improvements are consistent with the development regulations applicable to wineries in the AW District. New structures are not proposed with this request; proposed areas for hospitality, wine tasting and on-premise wine consumption are within existing winery-related structures on the property. Although no new structures are requested with this major modification application, the applicant is requesting after-the-fact use permit approval for the 2,900 square foot, underground expansion to the wine cave previously entitled with approval of use permit modification #98595 – MOD. As written in County Code Sections 18.104.201 and 18.104.230, underground portions of caves are not included in the calculation of winery development area and are not subject to minimum winery or yard setback requirements. Further, no changes to the existing wine portal are requested with this modification application; therefore, the wine cave is compliant with the zoning code. Additionally, the requested use permit modification would trigger changes to the existing on-site wastewater treatment system to add capacity to the system and remove sections of leach lines that are within 100 feet of the existing on-site cave. These changes are necessary to accommodate the addition of guests to the property and to meet current standards for septic system setbacks. Minor on-site grading would be necessary to complete these upgrades to the existing wastewater treatment system, and no trees would need to be removed for the installation.

Tours, Tastings and Marketing Events – The use permit modification is requested to establish a visitation and marketing program for the existing winery, and to allow on-premises consumption of wine purchased on-site. Proposed daily visitation would consist of up to 16 guests between the hours of 10:00 a.m. and 4:00 p.m. The proposed marketing program would include up to 10 events annually for up to 30 guests per event, with catered food. Marketing events are proposed to occur between 10:00 a.m. and 9:00 p.m. Tastings, events and on-premises consumption are proposed to occur in the 363 square foot cave access building and in the 440 square foot hospitality room in the larger winery building. It is noted in the use permit application that visitors would not be allowed inside the wine caves.

Staff does not anticipate that there will be significant noise impacts generated from the winery’s proposed 30-person events because tasting and event activities are proposed to occur within existing buildings, and because the closest off-site residences are over 800 feet (note that this residence is currently owned by the applicant) and 2,000 feet away from the winery buildings. In addition, events are proposed to conclude by 9:00 p.m., an hour before the start of the nighttime hours specified in County Code (Sections 8.16.060 and 8.16.070), when receptors’ sensitivity to noise is heightened. Events would nonetheless be subject to standard conditions of approval that prohibit outdoor amplified sound.

Attachment K identifies 58 wineries with annual permitted production capacities (20,000 gallons) that are equal to that of the Black Sears Winery. Attributes of each winery, including visitation levels, are included in the table. As shown, 38 of the 57 wineries are approved to have floor areas (inclusive of caves, where applicable) that are roughly equal to or greater than the proposed winery. With 25 of the 58 wineries permitted to have more events than are requested by Black Sears, the proposed annual number of events (10) seems to fall within the median and average ranges of wineries with the same production levels as the subject winery. The requested number of visitors per year trends high among wineries with comparable annual production levels, with only 12 of the 58 wineries permitted to have more than or a roughly equal number of annual visitors (event plus visitation attendance) than that requested by Black Sears.

Traffic, Parking and RSS Exception – The winery property currently has six (6) available parking spaces off-street, adjacent to the winery building. The applicant does not propose to increase parking on-site with this modification request. Applying the generic input factors from the Winery Trip Generation Sheet attached to the County’s use permit application, the winery would be expected to generate an estimated 22 vehicle trips on days that the winery

experiences the maximum requested visitation levels (16 visitors). Of these 22 daily vehicle trips, approximately 10 are presumed to be background traffic associated with existing employees and wine production, and 12 would be new trips associated with the addition of tours and tastings to the winery's operations.

With the modification request, the applicant has requested an exception to the Napa County Road and Street Standards (RSS), in order to allow portions of Summit Lake Drive, from the Black Sears Winery southeasterly for approximately 0.65 miles, to be narrower than the RSS require. This stretch of Summit Lake Drive is a privately-maintained, gravel road that provides access to the winery and other parcels in its vicinity. Section 3 of the RSS allows property owners to request exceptions to the RSS. For exception requests that accompany discretionary decisions that fall under the authority of the Planning Commission (a use permit modification, in this case), the request is considered by the Commission along with the discretionary action. Exceptions may be granted to preserve unique natural features of the environment, to accommodate physical limitations such as grade differentials, or to accommodate other limiting factors such as historical resources or legal constructions. Exceptions must provide the same overall practical effect of providing defensible space and safe access for the public and emergency responders. The current RSS exception request consists of allowing the width of the access road to be narrower than the minimum 20 feet required for commercial roads as specified in the RSS, with widths decreasing to as little as 13 feet at one location, up to 18 feet at two other locations along the 0.65-mile segment of road. The reductions in road width would allow preservation of mature maple, walnut and oak trees along the roadsides. The applicant also proposes vegetation maintenance and installation of a wide angle mirror along the roadway to assist in providing driver visibility around road turns. Where exceptions are not requested, the applicant would widen the 0.65-mile segment of Summit Lake Drive to 20 feet, in accordance with the RSS.

Engineering and Cal-Fire staff members have reviewed the applicant's proposal for RSS exception and believe that the required finding can be made relative to preservation of unique natural features. Staff supports approval of reduced road widths at three locations along the roadway length, provided, that: 1) advisory signage is installed to notify drivers on approach to the single-lane (13-foot wide) stretch of road; 2) the property owner maintains the road surface to support emergency vehicle loads; and 3) the property owner implements a vegetation management plan to ensure defensible space and improve sight distance. These recommendations are included in the Engineering Services Division memorandum included in Attachment B.

Water Demand and Availability – To accompany the use permit application package, the applicant submitted a water availability analysis (WAA) that evaluated the potential groundwater impacts of the requested use permit modification. As discussed in that analysis, current water demand associated with residential uses, wine production, and vineyard irrigation within the hypothesized groundwater recharge area is estimated at approximately 28.3 acre-feet per year. The proposed addition of tours and tastings and a marketing program to the winery's operation would increase water demand by an estimated 0.07 acre-feet per year. (Note that the estimated water demand of the marketing program based on 400 event attendees per year. Subsequent to preparation of the WAA, the applicant reduced the scope of the marketing program to include 300 event attendees per year, consequently reducing estimated groundwater demand by 0.004 acre-feet per year.) The WAA concludes that proposed project water use represents approximately 15 percent of annual groundwater recharge in an average year, and 34 percent in a drought year. Thus, with groundwater recharge exceeding the estimated extraction associated with addition of hospitality and marketing operations to the winery, total water use of the winery as proposed to be modified would not likely result in a decline in groundwater elevations or significant depletion of groundwater resources. See Attachment H.

Grape Sourcing – The applicant is not requesting any increase in the winery's permitted annual production. As noted in the discussion of Parcel History, above, the winery operator is currently subject to compliance with a condition of approval of use permit #98595 – MOD that requires at least 75 percent of grapes used to make 11,000 gallons of the winery's 20,000-gallon wine production capacity be grown in Napa County (County Code Section 18.104.250.B). The applicant has not requested a revision to this condition, which is carried forward into the recommended conditions of approval in Attachment B.

Greenhouse Gas (GHG) Reduction Strategies – The modification would result in some increase in GHG emissions as a result of new visitor trips to the winery. However, the applicant has indicated in the GHG Best Management Practices (BMP) Checklist (attached to the use permit application) intent to implement several programs that would reduce the winery’s current emissions of GHG, including planting of new vegetation; multimodal transportation programs to incentivize bicycling and employee carpooling, as well as utilization of bus transportation for marketing events and installation of infrastructure for electric vehicle charging; installation of solar water heating and recycled water systems; and installation of energy conserving lighting and water-efficient plumbing fixtures and landscaping. Currently, the winery recycles and composts the majority of its waste, participates in local food production programs, and refrains from burning pruned vegetation, all of which also serve to lower GHG emissions.

Public Comments – As of the writing of this staff report, staff has received 11 letters in support of the applicant’s request. See Attachment E.

### **Decision-making Options:**

#### Option 1: Approve Applicant’s Proposal (Staff recommended option).

This action would facilitate legitimization of the previously-built cave expansion; would authorize an exception to the County RSS for portions of the Summit Lake Drive access to the winery; and would permit on-premises wine consumption and establishment of visitation and marketing programs for the winery. Employee vehicle trips would not change from currently permitted conditions, though vehicle trips to the winery would increase by approximately six (6) trips per day on any day that the maximum visitation number (16) is achieved. Applicable conditions of prior permit approvals, including those that establish maximum production levels and minimum grape source requirements, would be carried forward into the current decision document.

Action Required – Follow the proposed action listed in the Summary section of this staff report, amending select, project-specific conditions as listed in Attachment B, as may be appropriate, at the time the motion of approval is made.

#### Option 2: Approve Applicant’s Proposal with Reduced Visitation.

As the requested use permit modification involves use of existing structures on a property, a reduced project alternative would affect winery operations rather than proposed physical changes to the site. The Commission could require reduction in the hours of marketing events or operation of the tasting room, or could require a reduction in the maximum daily number of visitors. Staff does not recommend this option because proposed hours of both marketing events and daily tours and tastings are fairly conservative, with the former ending by 9:00 p.m. and the latter ending by 4:00 p.m. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence that suggests such limits on the proposed business operations are warranted.

Action Required – Follow proposed action listed in Executive Summary and amend scope and project specific conditions of approval to place limits on development on winery accessory operations. If major revisions of the conditions of approval are required, item will need to be continued to a future date.

#### Option 3: Deny the Requested Use Permit Modification and RSS Exception.

This action would result in continued operation of the Black Sears Winery under current entitlements. Annual production would remain unchanged, but the winery operators would have to discontinue use of and demolish the 2,900 square foot cave expansion for which County permits were not previously issued. The winery would not be allowed to conduct tours and tastings or marketing programs, nor would it be allowed to offer retail wine sales or



on-premises consumption of wine. No RSS exception would be authorized.

Action Required – In the event that the Commission determines that it cannot meet the required findings for grant of the requested Use Permit Modification, Commissioners must articulate the basis for the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

Option 4: Continuance Option.

The Commission may continue an item to a future hearing date, at its discretion.

**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Project Conditions
- D . CEQA Memorandum
- E . Public Comments
- F . Use Permit Modification Application Packet
- G . Napa County Road and Street Standards (RSS) Exception Request
- H . Water Availability Analysis
- I . Wastewater Feasibility Study
- J . Graphics
- K . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina