



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/20/2013

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for Hillary Gitelman - Director
Planning, Building and Environmental Services

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

SUBJECT: Tamber Bey Vineyards Winery

RECOMMENDATION

BARRY WAITTE/ TAMBER BEY VINEYARDS WINERY - USE PERMIT # P12-00233 & VARIANCE # P13-00001

CEQA Status: Negative Declaration prepared. According to the proposed negative declaration the proposed project would not have 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 and variance to establish a new winery with an annual production capacity of 60,000 gallons with: (1) the conversion approximately $\pm 6,679$ sq. ft. of an existing $\pm 14,027$ sq. ft. equestrian facility to provide $\pm 1,729$ sq. ft. of enclosed floor area for hospitality, office and accessory storage uses including a commercial kitchen, ± 346 sq. ft. of enclosed floor area for winery production related storage and $\pm 4,604$ sq. ft. of covered unenclosed area; (2) the conversion an existing $\pm 14,400$ sq. ft. covered unenclosed horse arena for winery production uses including $\pm 9,812$ sq. ft. of barrel storage and extend the roof to provide $\pm 5,978$ sq. ft. covered but unenclosed crush and fermentation tank area; (3) a $\pm 1,443$ sq. ft. partially covered unenclosed bottling area adjoining the covered crush and fermentation tank area; (4) use of an existing $\pm 1,925$ sq. ft. barn for winery equipment storage; (5) on-site parking for 6 vehicles (striped) with an additional 28 unstriped spaces; (6) an annual marketing plan with one (1) event per month for a maximum of 30 guests at each event, one (1) event per month for a maximum of 75 guests at each event, two (2) events per year for a maximum of 100 guests, and participation in the wine auction; (7) tours and tastings with food pairing(s) by appointment only for a maximum of 20 visitors per day, with a maximum of 140 visitors per week; (8) on-premise consumption pursuant to the Evans Bill (AB2004); (9) hours of operation from 10 AM to 6:30 PM (tasting) and 7 AM to 5 PM (production), 7 days a week; (10) up to 5 employees (3 full-time and 2 part-time); (11) a new winery process and domestic wastewater system; and, (12) an on-site soils disposal area for approximately 2,060 cubic yards of excess soil. The proposal also includes a variance to allow use of an existing 1,925 sq. ft. barn for winery equipment storage which is approximately 425-feet from the centerline of Tubbs Lane where a 600-foot setback is required and to allow conversion of the existing covered but unenclosed horse arena to a predominantly enclosed building for barrel storage, one corner of which is approximately 19-feet from the side property line where a 20-foot setback is

required. The 22.41 acre project site is located on the west side of the Tubbs Lane approximately ½-mile north of the Tubbs Lane / State Route 128 intersection. APN: 0017-160-010. 1251 Tubbs Lane, Calistoga.

Staff Recommendation: Adopt the negative declaration and approve the requested variance and use permit with the proposed conditions of approval.

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

Applicant Contact: Jeffrey Redding 707-255-7375

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration for the Tamber Bey Vineyards based on Findings 1-6 of Exhibit A;
2. Approve a Variance (#P13-00001) based on Findings 7-10 of Exhibit A; and,
3. Approve the Use Permit (#P12-00233) based on Findings 11-15 of Exhibit A and subject to the Conditions of Approval (Exhibit B).

Discussion:

The applicant requests approval of a use permit and variance to establish a new 60,000 gallon per year winery by converting portions of an existing equestrian facility to provide hospitality, office, accessory, production and storage uses on a 22.41 acre parcel located at 1251 Tubbs Lane approximately ½-mile north of the Tubbs Lane / State Route 128 intersection. The proposed winery would have up to 20 by-appointment tours and tastings visitors daily and a marketing plan with one (1) event per month for a maximum of 30 guests at each event, one (1) event per month for a maximum of 75 guests at each event, two (2) events per year for a maximum of 100 guests, and participation in the wine auction. The request also includes a variance to allow use of two existing structures that lie within the required road and side yard setbacks. Staff recommends approval of the project as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration Prepared. According to the proposed 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: Barry Waitte (707) 945-0483

Applicant: Riechers Spence & Associates, Bruce Fenton P.E. or Hugh Linn (707) 252-3301

Owner's Representative: Jeffrey Redding, AICP (707) 255-7375

Zoning: Agricultural Preserve

General Plan Designation: Agricultural Resource

Filed: July 13, 2012

Resubmittals/additional information received: August 27, 2012 through January 11, 2013

Declared Complete: February 8, 2013

Proposed Production capacity: 60,000 gallons per year

Proposed Building size: +/- 13,812 sq. ft. of enclosed floor area with a +/- 5,978 sq. ft. covered crush area and tank farm.

Development Area - proposed: approximately 27,825 sq. ft.

Winery Coverage - proposed: approximately 93,753 sq. ft. or 2.15 acres (+/- 9.7% of parcel)
(winery coverage is a maximum of 25% of parcel or 15 acres, whichever is less)

Production Facility - proposed: approximately 19,382 sq. ft.

Accessory Use - proposed: approximately 1,729 sq. ft. (does not include 4,604 sq. ft. of covered unenclosed area identified on the application and floor plans)

Accessory to Production Ratio - proposed: 8.9%
(accessory to production ratio is a WDO maximum of 40%)

Proposed Marketing: One (1) event per month for a maximum of 30 guests, one (1) event per month with a maximum of 75 guests, two (2) events per year for a maximum of 100 guests, and participation in the wine auction. Food for the marketing events will be catered.

Proposed Visitation: Tours and tastings with food pairings by appointment only for a maximum of 20 visitors per day (maximum of 140 visitors per week) are proposed.

Number of employees: 2 full-time, 1 part-time (3 full-time, 2-part time during crush)

Hours of operation: Visitation 10:00 AM - 6:30 PM (7 days a week); Non-Harvest Production 7:00 AM - 5:00 PM (Monday - Friday)

Parking: 6 off-street spaces on an existing paved surface plus an existing paved area that could accommodate an additional 28 vehicles for marketing events.

Setting: The 22.41 acre project site is located on the west side of Tubbs Lane approximately ½-mile north of the

Tubbs Lane / State Route 128 intersection. Access to the property is via an existing driveway from Tubbs Lane. The driveway will be widened as needed to provide an 18-foot wide two-way driveway with a one-foot shoulder on each side. Four 10-foot wide by 30-foot long fire truck staging areas are proposed along the driveway that loops around the proposed winery. The project site is currently developed with a home, private equestrian facility (not for public boarding, training or riding lessons) and associated improvements. Surrounding uses include single-family homes, vineyards, and a number of wineries (see below).

North/northeast of the project site are eight properties ranging in size from 2.9 acres to 23.4 acres with four homes, vineyards and the geysers. South and southeast of the project site are a 12.3 acre vacant property, a 19.6 acre property with a single-family home and two properties, located in a notch at the southeast corner of the project site, consisting of 1.5 acres each that are developed with homes. South/southwest of the project site are four properties including a 10.27 acre vacant property and a 4.98 acre property with a home and planted in vines. Northwest of the site is a 23.2 acre property with a home and vineyards.

Producing wineries within the vicinity of the project site include Robert Pecota to the north, Envy Wines to the south, Prager Family Estate Winery (now Coquerel Family Winery) and Villa Andriana/Summer's Winery to the west and Chateau Montelena Winery to the east. Two Sisters winery to the northwest is approved but not yet producing wine.

Nearby Wineries:

Winery	Address	Floor Area (square feet)	Production gal / year	Tours & Tastings visitors / week	Employees
McBride Winery*	3475 Hwy 128	3,623	25,000	50 (appt)	3
Johnston Vineyards	3500 Hwy 128	1,200	20,000	50 (appt)	1
Bennett Lane Winery	3340 Hwy 128	17,500	50,000	200 (appt)	11
Robert Pecota Winery	3340 Hwy 128	12,100	60,000	20 (appt)	4
Two Sisters Winery*	No site address	8,000	15,000	10 (appt)	2
Coquerel Family Winery (aka Prager)*	3180 Hwy 128	22,900	75,000	40 (appt)	6
Villa Adriana	1171 Tubbs Lane	8,250	50,000	70 (appt)	3
Envy Wines	1170 Tubbs Lane	3,043	50,000	60 (appt)	3
Chateau Montelena	1429 Tubbs Lane	27,741	128,000	Public**	7
Arroyo Winery	2361 Greenwood Avenue	6,074	20,000	90 (appt)	3
Carver Sutro Winery*	3106 Palisades Road	9,965	20,000	120 (appt)	3
Garnet Creek Winery*	3082 Old Lawley Toll Road	6,492	15,000	30 (appt)	1
Amici Cellars	3130 Old Lawley Toll Road	5,000	20,000	5 (appt)	1
Tamber Bey (proposed)	1251 Tubbs Lane		60,000	140 (appt)	5

* Approved/entitled but not producing

** Number of visitors not specified in project files

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

AR General Plan designation, AP zoning -

Adjoining the project site to the north is a 5.5 acre flag lot with a single family home and vines. A 2.9 acre property adjoining the developed portion of the flag lot (and under the same ownership as the flag lot) is planted in vines. Across the narrow portion of the flag lot from the project site are four lots, three lots associated with the Old Faithful Geyser which total about 26 acres, and the fourth lot under separate ownership from the geyser properties planted in vines with about 23 acres.

South:

AR General Plan designation, AP zoning -

There are two lots south of the project site, one with about 5 acres planted in vines, and an undeveloped lot with a little over 10 acres fronting Tubbs Lane.

East:

AR General Plan designation, AP zoning -

In a notch in the southeast corner of the otherwise rectangular project site are two properties with 1.5 acres each and developed with a single family home on each lot. Across Tubbs Lane are two properties, one with a little under 20 acres with a single family home, the other with about 12.3 acres is undeveloped.

West:

AR General Plan designation, AP zoning -

Adjoining the project site to the west is a 23 acre property developed with a single family home and planted in vines.

Compliance History:

Based on a review of the Planning Division's files, there are no records of any code compliance issues on this property.

Discussion:

1. Use Permit: The applicant is proposing a 60,000 gallon per year winery utilizing existing structures on the property. The existing building that would be converted to primarily hospitality and accessory uses, has dark brown board and batten siding with a corrugated metal roof. The majority of the production areas of the proposed winery will be housed in a single-story building approximately 30-feet high measured to the roof's ridgeline, with a covered crush pad and tank area on the east side building. New siding consisting of pre-finished insulated metal panels with raised rib battens, replicating the exterior look and finishes of the proposed hospitality building, would be used to enclose the majority of the arena structure that will house wine tanks and barrels. The existing composition roofing will remain.

As noted above, the project site is currently developed with a home and private equestrian facility. The equestrian facility is for use solely by the property owner and is not open for public boarding, training or husbandry. Although the winery and equestrian are under one roof, use of the equestrian facility would not be allowed for winery related activities.

2. Setbacks / Variance: Tubbs Lane is considered an arterial road and therefore requires a 600-foot setback measured from the centerline of the road. Required side and rear yard setbacks are 20-feet measured from the property lines. The closest point of the existing equestrian facility proposed to be converted to the winery is setback approximately 610-feet from the centerline of Tubbs Lane and 150-feet at its closest point to any side or rear

property line. However, an existing 1,925 sq. ft. barn slated for the storage of winery equipment is approximately 425-feet from the centerline of Tubbs Lane where a 600-foot setback is required. In addition, the southwest corner of the existing covered but unenclosed horse arena which is proposed to be predominantly enclosed and reused for barrel storage, is approximately 19-feet from the side property line where a 20-foot setback is required. The majority of the structure is outside the required setback as it was built at about a 45 degree angle to the side property line. A variance has been requested to allow reductions to these two setback requirements and allow the conversion of the existing structures for winery purposes.

3. Visitation and Marketing: Tours and tastings visitation to the proposed winery would be by-appointment, with a maximum of 20 visitors per day and a maximum of 140 week. In addition, a moderately-sized marketing program is proposed for the facility, including one (1) event per month for 30 guests; one (1) event per month for 75 guests; two (2) events per year for 100 guests; and, participation in the wine auction.

Staff has provided a table comparing marketing and tours and tastings visitation at other wineries with annual production of 60,000 gallons, below. The proposed visitation program falls roughly into the upper third amongst its peer group of wineries with an approved production capacity of approximately 60,000 gallons per year, excluding the wineries that are open to the public without an appointment.

Winery	Approved Production	Tours & Tastings	Tours & Tastings visitors/week	Marketing Events per year*
Cain Cellars	59,000	By Appointment	5	no data
Hendry Ranch	59,000	By Appointment	20	no data
Catacula Lake	59,000	By Appointment	110	4
Odette	59,999	By Appointment	917	96
Truchard Vineyards	60,000	None	12**	no data
Freemark Abbey	60,000	Public	1,800	no data
Heitz Wine Cellars	60,000	By Appointment	no data	no data
Elyse	60,000	By Appointment	24	no data
Atalon	60,000	By Appointment	20	no data
Cliff Lede Vineyards	60,000	Public / By Appt	875 / 140	15
Stag's Leap (Doumani 1)	60,000	By Appointment	60	no data
Bourassa	60,000	By Appointment	45	10
Hunnicut	60,000	By Appointment	21	16
Spelletich	60,000	None	0	0
Arkenstone	60,000	By Appointment	210	18
Two Rocks	62,500	By Appointment	15	21
Turley Wine Cellars	65,000	By Appointment	75	no data
Tamber Bey (proposed)	60,000	By Appointment	140	26

* No Data - Attributed to older wineries with no marketing program proposed or approved.

** Number authorized to industry visitors only.

4. Access - Access to the proposed winery will be along an existing driveway that provides access from Tubbs Lane to the existing home and equestrian facility on the site. Portions of the driveway will require widening to meet County Road and Street Standards.

5. Greenhouse Gas Reduction Strategies – The applicant team has completed the Department’s Greenhouse Gas Emission Reduction Worksheet, which is attached to this report. The applicant proposes to incorporate GHG reduction methods including: a 33 kilowatt solar energy system, an electric vehicle charging station, recycled-water for on-site irrigation, on-site winery waste treatment and disposal system, and high efficiency mechanical systems. The project’s 2020 “business as usual” emissions were calculated by Planning staff using California Emissions Estimator Model (CalEEMod) GHG modeling software, resulting in modeled annual emissions of 262 metric tons of carbon dioxide and carbon dioxide equivalents (MT CO₂e). The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO₂e. GHG Emission reductions from local programs and project level actions, such as 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 by about 27 MT CO₂e or 10% below “business as usual” levels in 2020.

Consistency with Standards:

Zoning -

The project is consistent with AP (Agricultural Preserve) 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 AP district with an approved use permit. This application complies with the Winery Definition Ordinance. The Fire Department, Engineering Services Division, Public Works Department, and Environmental Health Division have all recommended approval of the project as conditioned.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Review Agency Comments
- D . Initial Study/Negative Declaration
- E . GHG Emissions & Reduction Summary
- F . Traffic Impact Analysis
- G . Application Submittal Materials
- H . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina