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Agenda Date: 6/17/2009

Agenda Placement: 9C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Melissa Gray for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Sean Trippi, Principal Planner - 299-1353
SUBJECT: Suscol Creek Winery Major Modification

RECOMMENDATION

SUSCOL CREEK WINE PRODUCTION FACILITY / FENNEL & McDEVITT - USE PERMIT MAJOR MODIFICATION #P09-00101-MOD & TENTATIVE PARCEL MAP #P09-00100-PM

CEQA Status: Subsequent Mitigated Negative Declaration prepared. According to the proposed Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Biological Resources, Hydrology & Water Quality, and Transportation/Traffic. Mitigation measures adopted with the previous Use Permit (#P05-0434-UP) have been incorporated into this project. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

REQUEST: Approval of a Use Permit Major Modification to Use Permit #P05-0434-UP to: (1) increase production capacity from 200,000 gallons per year to 600,000 gallons per year; (2) increase the floor area of the previously approved winery building from approximately 61,281 sq. ft. to approximately 66,338 sq. ft.; (3) construct approximately 7,500 square feet of new floor area for a stand alone wine-making/office building (5,000 sq. ft. with a covered outdoor work area) and a shop building (2,500 sq. ft.); (4) increase the number of full time employees from 13 to 25 and seasonal employees from 8 to 10; (5) increase average weekly visitors from 70 to 100 with the maximum on any given day increasing from 20 to 25 persons; (6) increase the number of on-site parking spaces from 36 to 55; (7) revise previously approved domestic and process wastewater systems; and (8) minor revisions to the covered winery covered process waste treatment area, covered solid waste storage area, water storage tanks and outdoor storage area. The request also includes a tentative parcel map to subdivide the proposed project into 19 industrial airspace condominium units; 17 units in the main winery building, one unit within the 5,000 sq. ft. stand alone winery building, and one unit encompassing the area of the proposed process wastewater spray field. The balance of the property and hallways/walkways internal to the main winery building would be common area. The proposed project is located on a 10.32 acre property on the south side of Soscol Ferry Road, approximately 1,000 feet west of its intersection with Devlin Road within the Napa County Airport Industrial Area and a GI:AC (General Industrial: Airport Compatibility) combination zoning district. (Assessor's Parcel #: 057-170-018). Napa.

Staff Recommendation: Adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Use Permit Major Modification and Tentative Parcel Map with the proposed conditions of approval.

Staff Contact: Sean Trippi 299-1353, strippi@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Suscol Creek Winery, based on findings 1-6 of Exhibit A (attached);
2. That the Planning Commission approve Use Permit Major Modification P09-00101 based on findings 7-14 of Exhibit A and subject to the attached conditions of approval (Exhibit B); and,
3. That the Planning Commission approve the Tentative Parcel Map P09-00100 based on findings 15-21 of Exhibit A and subject to the conditions of approval (Exhibit B).

Discussion:

The Suscol Creek Winery was originally approved in 2006 as a 200,000 gallon per year facility with by-appointment visitation for an average of 70 visitors a week and a marketing plan with 4 events per week. The current application proposes to increase production to 600,000 gallons per year, as well as slight increases to floor area, by-appointment visitation, parking and full and part-time employees. The proposal also includes a tentative parcel map to create 19 condominium units for prospective wine-makers. Each condominium owner will be a member of an owners association and will be expected to meet all obligations related to maintenance of the common area features such as landscaping, parking, and the waste water spray field.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration prepared. According to the Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Biological Resources, Hydrology and Water Quality, and Transportation/Traffic. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Discussion:

A previous Mitigated Negative Declaration (MND) was adopted by the Planning Commission on May 3, 2006, in connection with Use Permit (P05-0434-UP) which approved a 200,000 gallon per year winery within a 61,281 sq. ft. building. Mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP) were adopted in conjunction with the previous MND. Applicable mitigation measures are included in the Subsequent MND and an updated MMRP is attached to this report. Since a mitigated negative declaration was adopted with the original use

permit for the project, the standard of review that is applied by the Commission is different than the standard applied when the Commission reviews a new project. A summary of the standard of review for a new project and subsequent project approvals is attached to this report (Attachment 1).

Biological Resources - The previous MND included three biological assessments of the property prepared by a qualified biologist. The reports addressed the potential absence or presence of Swainson's hawk, potential wetlands, and the potential impacts to Suscol Creek and any aquatic populations within the creek associated with reducing the setback along the creek. The reports found no presence of Swainson's hawk, that a drainage swale near Soscol Ferry Road was a jurisdictional wetland (which was confirmed by the U.S. Army Corps of Engineers), and the creek setback reduction would not impact the creek or the adjoining riparian habitat. However, the report did recommend that invasive, non-native blackberry plants should be removed from the creek banks and replaced with native plant species. Subsequent to approval of the use permit, the applicant entered into a 1602 Lake and Streambed Alteration Agreement with the California Department of Fish and Game (DFG) to remove non-native plant species along Suscol Creek. Prior to plant removal, a pre-construction survey was performed by the project biologist. The results of the survey found no active nests or the presence of Swainson's hawk. However, since the site is still undeveloped a mitigation measure for additional pre-construction surveys to determine the absence or presence of Swainson's hawk is recommended. Since plant removal and creek bank restoration is ongoing, a mitigation measure is included requiring continued coordination with the DFG to ensure that aquatic populations are not adversely affected by creek restoration activities. Additionally, a mitigation measure is included to mitigate any potential impacts to the drainage swale near the road. The mitigation measures included in the attached Subsequent Mitigated Negative Declaration will reduce potential impacts to Biological Resources to less than significant levels.

Hydrology & Water Quality - The site naturally drains toward Suscol Creek and therefore construction activities have the potential to impact the creek. Mitigation, consisting primarily of Best Management Practices, addressing grading and construction practices will be employed and monitored to ensure that construction activities as well as restoration activities along the creek do not impact the creek.

Transportation/Traffic - A traffic study was prepared for the project by licensed traffic engineer George Nickleson, P.E., dated August 3, 2006. The study concluded that the daily volumes in/out at the westerly driveway would warrant a left turn lane which could be provided within the existing paved area of Soscol Ferry Road and would only require restriping with a minimum storage length of 50-feet. A mitigation measure is included requiring a new left turn lane at the westerly driveway with a minimum storage length of 50-feet. In addition, the Subsequent MND and MMRP includes a mitigation measure requiring the payment of the standard in-lieu fees to reduce potential cumulative traffic related impacts to less than significant levels.

BACKGROUND AND DISCUSSION

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Owner: Fennell & McDevitt

Applicant/Representative: Michael Fennell

Zoning: GI:AC - General Industrial: Airport Compatibility

General Plan Designation: Industrial

Filed: March 2, 2009

Declared Complete: April 29, 2009

Winery Size (Approved): 61,281 square feet
Winery Size (Proposed): 66,338 square feet

Production Capacity (Approved): 200,000 gallons per year
Production Capacity (Proposed): 600,000 gallons per year

Marketing (Approved): 2 trade tasting per week for up to 5 guests and 2 catered lunches or dinners per week for up to 20 guests.

Marketing (Proposed): No changes proposed.

Visitation (Approved): By appointment only for an average of 70 visitors a week with a maximum of 20 on any given day.

Visitation (Proposed): By appointment only for an average of 100 visitors a week with a maximum of 25 on any given day.

Number of employees (Approved): 13 full-time and 8 seasonal.

Number of employees (Proposed): 25 full-time and 10 seasonal.

Hours of operation (Approved): 7 am to 9 pm, seven days a week

Hours of operation (Proposed): No changes proposed.

Parking (Approved): 36 off-street

Parking (Proposed): 55 off-street

Airport Compatibility: Zones C & D - which are areas of routine overflight at low elevations.

Adjacent Zoning / Land Use:

The lot adjoins Soscol Ferry Road to the north, Suscol Creek to the south and industrial property to the east and west. The site is approximately 875-feet west of the intersection of Soscol Ferry and Devlin Roads and approximately 1,300-feet west of Suscol Ferry Road's intersection with State Highway 12/29. All surrounding land is zoned GI:AC (General Industrial) or IP:AC -(Industrial Park), both include the Airport Compatibility Combination District (AC).

North: IP:AC - The property across Soscol Ferry Road has an approximate 8,000 sq. ft. contractor's shop and storage yard on the eastern portion of the property. A cooperage firm is located on an adjoining property to the east. North of these properties is State Highway 12/29.

South: IP:AC - Across Suscol Creek to the south are vineyards and undeveloped industrial properties.

East: GI:AC - The adjoining property to the east is an existing mini-storage facility with enclosed and outdoor storage spaces. Beyond the mini-storage is the intersection of Soscol Ferry and Devlin Roads.

West: GI:AC - The property to the west is a small vacant industrial property. Beyond to the northwest and southwest are several hundred acres owned by the Napa Sanitation District.

Property History:

2006 - The Planning Commission approved the original winery use permit (P05-0434-UP). The approved capacity was 200,000 gallons per year within a 61,281 square building. Winery waste was to be processed with an open treatment pond. Visitation, employees and hour of operation were approved as noted above. The approval also

included reducing the setback along Suscol Creek from 150-feet to 75-feet. In exchange for the encroachment, the applicant voluntarily proposed to environmentally enhance the remaining 75 ft. nearest the creek by removing non-native vegetation (primarily blackberries) and promoting growth and maintenance of native species. The use permit was determined used based upon the creek enhancement and restoration work performed by the applicant.

2009 - In February, a Very Minor Modification (P08-00618) was approved which included replacing the treatment pond with an enclosed on-site wastewater treatment system, modifying the two driveways and parking areas, relocating the water storage tanks, mechanical equipment area and shop and storage areas. No increase to production or floor area or other operational characteristics were proposed or approved.

Site plans of the two previous approvals are attached to this report.

Code 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 Points:

1. Production increase - The applicant is requesting an increase from its approved production level of 200,000 to 600,000 gallons per year. The on-site enclosed wastewater treatment system approved in February 2009, replacing the open pond wastewater treatment system, has been sized to accommodate the proposed production increase. Minor increases to the size of the building are also proposed associated with this request.
2. WDO/grape source - Since the proposed project is located within the Airport Industrial Area Specific Plan, it is not subject to the requirements of the Winery Definition Ordinance (WDO). However, the applicant has designed the project to be generally consistent with the majority of the requirements of the WDO. The two notable differences with this winery and up-valley wineries are: 1) the grapes processed at the facility are not subject to the 75% Napa Valley grape source requirement; and, 2) the winery is not subject to the 300 and 600 foot winery setback from major and minor streets.
3. Building design, addition & layout - The project site is zoned General Industrial, which allows a variety of heavy industrial uses and has minimal design requirements. As part of the original use permit, the applicant voluntarily proposed to construct a winery with aesthetically appealing architecture that may be visible from a "gateway area" along Highway 29. At this location, a visually interesting winery project may be preferable to some form of a heavy industrial use.

The design, exterior materials, and layout of the building are predominantly the same as approved with the original use permit. Exterior building materials include tex-coat concrete wall panels, standing seam roofing, goose neck lights, and wood doors. The rear elevation (south) includes several metal roll-up and man doors and a covered outdoor work area that runs nearly the length of the rear elevation creating a notch at the southwest corner of the building. The building is generally rectangular shaped with a sawtooth cutout at the northwest corner created in part by a shed roofed "L"-shaped entry and common tasting area. The front elevation has three gable ends with a series of cupolas running the length of the ridgelines. A small addition to the front of the building is included with this proposal to house some of the buildings mechanical equipment. The addition creates a tower feature that adds additional articulation to the front elevation and introduces stone veneer building materials. The covered work area along the rear of the building includes four gable ends. An additional gable end feature is provided on the west elevation framing the "L-shaped" entry/tasting area.

4. Visitors - The request includes a minor increase in visitation. The original use permit allowed an average of 70 visitors a week with a maximum of 20, by appointment only, on any given day.

The current proposal includes a request to allow, by appointment only, an average of 100 visitors a week with a maximum of 25 on any given day. No increases are proposed to the marketing plan.

5. Tentative Parcel Map - The applicant is proposing to subdivide the proposed project into 19 industrial airspace condominium units. The main building would be divided into a maximum of 17 units. The 5,000 sq. ft. stand alone building would be the 18th unit and the last unit would be the process wastewater spray field. The parking lot, landscaped areas, and hallways and walkways internal to the main winery building would be common area.

6. Water/Sewer - Generally, all projects within the Airport Industrial Area Specific Plan are required to connect to municipal water and public sewer. The General Industrial (GI) district zoning requirements (Section 18.44.150) also requires connection to municipal water service and public sewer. However, this project is located in an area designated by the specific plan as difficult to serve and is therefore not required to connect to those services as there are no mains within close proximity of the project site. Consequently, the project will utilize a water and waste system typical of up valley projects. All water will come from an on-site well. Domestic and winery process waste will be processed by an on-site treatment system.

Consistency With Standards:

All reviewing departments/agencies have found the project as proposed and conditioned to be consistent with their respective requirements and regulations.

1. Zoning - The GI:AC (Industrial Park: Airport Compatibility) allows wineries with the approval of a use permit. Site layout, building design, coverage, and setbacks comply with all applicable Airport Industrial Area Specific Plan (AIASP) and zoning regulations.
2. Building/Fire Code - The project has been designed to comply with all applicable building and fire codes. Access to the building is excellent. It is anticipated that the applicant will submit for building permits shortly after receiving approval.
3. Public Works - Public Works finds the the project, as conditioned, complies with industrial park development standards. An encroachment permit will be required for the construction of the new driveway connection to Soscol Ferry Road. Public Works has included conditions regarding compliance with regulations addressing grading, drainage, stormwater control, erosion, access, and parking lot standards.
4. Environmental Management - Conditions are required that address generating and/or storing hazardous materials, and properly disposing of sanitary waste, process wastewater, solid waste, and recyclable materials.
5. Other Agencies - The project is within the water and sewer service areas of the City of Napa and Napa Sanitation District, respectively. However, the site is an area designated as difficult to serve and will utilize well water for domestic and fire suppression. Sanitary and winery process waste will be processed on site.

SUPPORTING DOCUMENTS

- A . Findings
- B . Conditions of Approval
- C . Review Agency Comments
- D . CEQA Standard of Review - Attachment 1
- E . Draft Subsequent Mitigated Negative Declaration/Initial Study/MMRP

- F . Biological Resources Evaluations
- G . Lake & Streambed Alteration Agreement
- H . US Army Corps of Engineers Wetland Determination
- I . Traffic Study
- J . Application Materials
- K . Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray