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A Commitment to Service

Agenda Date: 6/20/2018

Agenda Placement: 7A

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: Graham Hannaford, Planner II - (707)299-1361
SUBJECT: P17-00379-UP Boyd Family Vineyards Winery

RECOMMENDATION

STAN BOYD - BOYD FAMILY VINEYARDS WINERY - USE PERMIT #P17-00379-UP

CEQA Status: Consideration and possible adoption of a Class 3 Categorical Exemption. Pursuant to CEQA Guidelines Section 15303, the construction of new small structures are exempt from CEQA review. Appendix B of Napa County's Local Procedures for Implementing CEQA under Class 3: New Construction or Conversion of Small Structures, #10 includes small wineries that meet certain criteria. This project meets those criteria as it: (a) proposes less than 5,000 square feet of conditioned space; (b) will involve no cave excavation; (c) will produce 30,000 gallons of wine or less per year; (d) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; (e) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; and (f) will hold no temporary events. No unique site conditions require any additional mitigation to negate impacts. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a Use Permit (P17-00379-UP) to establish a 30,000 gallon per year winery with the following components: 1) The construction of a 4,200 square foot winery production building with an additional 400 square foot covered crush pad and 400 square foot outdoor tasting area; 2) Improvements to an existing driveway to meet Napa County Road and Street Standards in most sections; 3) the construction of seven (7) parking spaces; 4) a new sanitary sewage wastewater management system and a new hold-and-haul wastewater disposal system; 5) employment of two (2) full-time and two (2) part-time employees during normal operations and up to six (6) full-time and four (4) part-time employees during harvest; 6) visitation for a maximum of 15 persons per day and an average of 40 persons per week; 7) hours of operation: production 10:00 a.m. - 6:00 p.m., hospitality Monday-Sunday 10:00 a.m. to 6:00 p.m.; 8) a marketing program to allow up to 10 events annually for 30 attendees maximum and 1 event annually for 100 attendees maximum; 9) installation of a commercial kitchen to prepare food for marketing events; 10) installation of on-site landscaping; 11) installation of solid waste and recycling storage area; and 12) on-premises consumption of wines produced on site in accordance with Business and

Professions Code Sections 23358, 23390, and 23396.5 (AB 2004-Evans Bill). The project also includes a request for an exception to the Napa County Road and Street Standards for a length of 138 feet immediately in front of the residence on the neighboring parcel to the northwest. The 21.88 acre parcel on which the winery is proposed is located on the east side of Big Ranch Road approximately one mile south of its intersection with Oak Knoll Avenue, north of the City of Napa. The parcel is zoned AP (Agricultural Preserve) District; 4042 Big Ranch Road; Assessor's Parcel No. 036-190-003.

Staff Recommendation: Find the project categorically exempt from CEQA and approve the request for an exception to the Napa County Roads and Street Standards and Use Permit as conditioned.

Staff Contact: Graham Hannaford, Planner II, (707) 299-1361 or graham.hannaford@countyofnapa.org

Applicant: Stan Boyd; phone 707-386-9463 or email stan@boydwine.com.

Applicant's Representative: George Monteverdi, Monteverdi Consulting, LLC; phone 707-761-2516 or email George@monteverdiconsulting.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Categorical Exemption (Class 3) for Boyd Family Vineyards Winery based on Findings 1-3 of Attachment A;
2. Approve the Exception to the RSS based on recommended Finding 4 in Attachment A and subject to the recommended Conditions of Approval (Attachment B); and
3. Approve Use Permit (P17-00379-UP) based on Findings 5 through 9 of Attachment A, and subject to the recommended Conditions of Approval (Attachment B).

Discussion:

The applicant proposes a Use Permit to establish a 30,000 gallon per year winery at 4042 Big Ranch Road as follows: 1) the construction of a 4,200 square foot winery production building with an additional 400 square foot covered crush pad and 400 square foot outdoor tasting area; 2) improvements to an existing driveway to meet Napa County Road and Street Standards in most sections; 3) the construction of seven (7) parking spaces; 4) a new sanitary sewage wastewater management system and a new hold-and-haul wastewater disposal system; 5) employment of two (2) full-time and two (2) part-time employees during normal operations and up to six (6) full-time and four (4) part-time employees during harvest; 6) visitation for a maximum of 15 persons per day and an average of 40 persons per week; 7) hours of operation: production 10:00 a.m.- 6:00 p.m., hospitality Monday-Sunday 10:00 a.m. to 6:00 p.m.; 8) a marketing program to allow up to 10 events annually for 30 attendees maximum and 1 event annually for 100 attendees maximum; 9) installation of a commercial kitchen to prepare food for marketing events; 10) installation of on-site landscaping; 11) installation of solid waste and recycling storage area; and 12) on-premises consumption of wines produced on site in accordance with Business and Professions Code Sections 23358, 23390, and 23396.5 (AB 2004-Evans Bill). The project also includes a request for an exception to the Napa County Road and Street Standards for a length of 138 feet immediately in front of the residence on the neighboring parcel to the northwest.

Staff supports approval of the Use Permit request, as it fits the definition of a "small winery" as defined in Appendix B of Napa County's Local Procedures for Implementing CEQA, and therefore no potentially significant impacts are

expected as a result of the approval of this project. During harvest, the period with the most anticipated activity, the project is projected to total 39 daily trips, which is under the 40 trips per day maximum allowance. At no time of the year are Peak PM trips expected to exceed 5 trips. While onsite water usage would increase with the production of wine, the expected increase in usage is approximately 0.71 acre-feet per year, which is well below the valley floor allotted 1 acre-foot of water per acre of land. Staff finds that the project meets all County Code requirements and complies with General Plan policies. Furthermore, the implementation program associated with the RSS Exception request will achieve safe access to the winery for visitors, employees and emergency vehicles. The proposed operational factors, including compliance with all WDO and Zoning Code regulations, sufficient water supply, and no potential environmental impacts, which has led staff to conclude that the project merits the approval as proposed and conditioned. Furthermore, the proposed development would be shielded from public view by the existing development on the parcel to the southwest, which sits between the project and Big Ranch Road. The project would not be visible from Silverado Trail due to the trees that line Napa River, which lies on the northeast of the parcel. 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

Consideration and possible adoption of a Class 3 Categorical Exemption. Pursuant to CEQA Guidelines Section 15303, the construction of new small structures are exempt from CEQA review. Appendix B of Napa County's Local Procedures for Implementing CEQA under Class 3: New Construction or Conversion of Small Structures, #10 includes small wineries that meet certain criteria. This project meets those criteria as it : (a) proposes less than 5,000 square feet of conditioned space; (b) will involve no cave excavation; (c) will produce 30,000 gallons of wine or less per year; (d) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; (e) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; and (f) will hold no temporary events. No unique site conditions require any additional mitigation to negate impacts. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Property Owner/Applicant: Stan Boyd

Representative: George Monteverdi, Monteverdi Consulting, LLC; PO Box 6079, Napa; phone (707) 761-2516; email George@monteverdiconsulting.com

Zoning: AP (Agricultural Preserve) District

General Plan Designation: Agricultural Resource (AR)

Application Filed: October 27, 2017 **Application Complete:** May 23, 2018

Parcel Size: 21.88 acres

Winery Characteristics:

Proposed Winery Building Size: 4,600 square feet (inclusive of production and accessory space)

Proposed Production Capacity: 30,000 gallons of wine per year

Proposed Winery Development Area: Approximately 57,512 square feet (inclusive of hospitality, indoor production areas, outdoor covered and uncovered areas, and parking)

Proposed Winery Coverage: 6.4% of the site (maximum 25% allowed)

Proposed Accessory to Production Ratio: 29% (3,862 gross square feet production area, 1,138 gross square feet accessory area; maximum 40% of production area allowed)

Proposed Number of Employees: Two (2) full-time and two(2) part-time employee during normal operations and up to six (6) full-time and four (4) part-time employees during harvest.

Proposed Visitation: By appointment, for up to 15 visitors per day, up to a maximum of 40 visitors per week.

Proposed Marketing: 10 events annually for 30 guests maximum and 1 event annually for 100 guests maximum; Use of existing vineyard avenues for overflow parking during marketing events. All food service for marketing events will either be prepared in the licensed commercial kitchen or catered.

Proposed Hours of Winery Operation: Daily, 10 a.m. to 6 p.m.

Proposed Hours of Visitation: Daily, 10 a.m. to 6 p.m.

Proposed On-Site Parking: 7 stalls

Setbacks Required: 20 feet from side and rear lot lines, 600 feet from centerline of Big Ranch Road

Adjacent General Plan Designation/ Zoning Districts/ Land Uses:

North: There are four (4) parcels to the north/north-west of the subject parcel, including one 10.81 acre parcel which is developed only with vineyard, one 13.61 acre parcel with a single family residence and vineyards, and two parcels (1 acre and 4.2 acres in size) with single family residences. All properties are zoned AP District and have a General Plan land use designation of Agricultural Resource.

South: There are two parcels to the south: a 2 acre parcel with a single family residence and a ±16 acre parcel with vineyards. Both parcels are zoned AP and have a General Plan land use designation of Agricultural Resource.

East: The Napa River makes up the eastern border of the parcel. On the other side of the river are two parcels, an undeveloped 5.27 acre parcel and a 5.09 acre parcel which has a single family residence.

West: The parcel is a "flag lot", with a driveway connecting the parcel to Big Ranch Road but a full parcel lies between the developable portion of the parcel and the road. The parcel that lie between Big Ranch Road and the subject parcel is 10.84 acres and contains vineyards and a winery. It is zoned AP and has a land use designation of Agricultural Resource.

Nearby Wineries (within one mile of project site):

Attachment J lists 19 wineries operating or approved to operate on properties within one mile of the proposed Boyd Family Vineyards Winery. Of the 19 wineries, 12 have higher levels of production while seven (7) have lower production levels. The average level of production in the one-mile area surrounding the proposed project is 61,631 gallons of wine per year, more than twice the requested level of production.

Parcel History and Evolution of this Application:

The 21.88 acre parcel consists of 13.7 acres of vineyard, a single family dwelling, a guest cottage, and a detached garage. The single family dwelling was constructed in 2002, at which time the original single family dwelling from 1946 was converted into the guest cottage and storage space. In 1999, the parcel entered into an Agricultural Preserve contract, commonly referred to as a Williamson Act contract. This contract is still valid on the parcel, and is an annually renewed 10 year contract.

On October 19, 2005, the Napa County Planning Commission approved Use Permit# P04056 for a 25,000 gallon per year winery with visitation and marketing events on a 20.41 acre property located at 4042 Big Ranch Road. The project was found to be Categorically Exempt from CEQA as it met the Napa County Local Procedures for Implementing CEQA's definition of a small winery, as defined in Appendix B of that document. This approved entitlement had an expiration date of October 19, 2007. No progress was made toward the completion of the required Conditions of Approval for Use Permit #P04056 by this date, and the entitlement expired. The current application for a Use Permit, Use Permit # P17-00379-UP, was submitted on October 27, 2017.

Code Compliance History:

There are no records of prior code violations related to this property.

Discussion Points:

Setting - The 21.88 acre parcel is located approximately one mile southeast of the intersection of Big Ranch Road and Oak Knoll Avenue. The parcel is bounded by the Napa River to the northeast, and is connected to Big Ranch Road via an existing 14 foot wide driveway. The parcel is surrounded by properties containing existing vineyards to the southwest, southwest, northeast, and northwest. Because the parcel contains very little frontage to Big Ranch Road, ± 14 feet, the development on the parcel to the southwest of the proposed project provides screening from the public right of way. Current development on-site consists of approximately 13.7 acres of vineyards, approximately three (3) acres of residential development (structures, accessory structures, road improvements), and approximately five (5) acres of open space. The parcel is virtually entirely within the 100-year flood plain, with a small segment of the driveway outside.

Proposed Winery Operations - The applicant is requesting a Use Permit to establish a new winery with a maximum annual production of 30,000 gallons of wine per year. A 4,200 square foot facility is proposed to house the production elements (3,462 sq ft) and the accessory elements (738 sq ft). Additionally, the applicant is proposing a 400 sq ft covered crush pad and a 400 sq ft outdoor hospitality patio to be used for tastings. The proposed marketing program includes tastings by appointment only from 10 a.m. to 6 p.m. for up to 15 guests per day, with a weekly maximum of 40 guest total. The applicant is also proposing to hold up to 10 events annually with a maximum of 30 guests and one annual event with a maximum of 100 guests. Two (2) full-time and two (2) part-time employees are proposed for regular operations and up to six (6) full-time employees are proposed for crush. A total of seven (7) parking spaces for employees and guests are proposed, with additional parking for events to be provided in the existing vineyard avenues. In order to accommodate the additional wastewater produced by winery operations, the applicant is proposing a 10,000-gallon "hold-and-haul" system. Sanitary wastewater is proposed to be disposed of onsite via a pressure distribution leachfield system.

Winery Comparison Analysis - The applicant is requesting production of 30,000 gallons of wine annually. Staff has

provided a comparison table of 17 wineries that have visitation by appointment only that have a maximum allowed production of 30,000 gallons of wine annually. The median size of those wineries is 7,404 square feet of building. This project proposes approximately 5,000 square feet winery building, including 800 square feet of outdoor space. The median daily maximum visitors for all wineries with this level of production is 16, which is similar to the 15 proposed with this project, however the median weekly visitors is 95 while this project proposes only 40. Additionally, the median number of guests approved for marketing events is 663 annually. This project proposes a total of 400 visitors at marketing events, approximately 66% of the median of wineries of similar size.

Exception to the Napa County Road and Street Standards (RSS) - The project includes an exception for a reduction in commercial roadway width to a one-way road for 138' of the private drive length located immediately in front of the neighbors' residence (APN 036-190-002). The subject parcel falls entirely within the Local Responsibility Area (LRA) and is not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ). Permanent measures such as implementation of horizontal and vertical vegetation management to create defensible space and signage for safely directing ingress and egress traffic to and from the winery to Big Ranch Road, including yield signage will be provided. This exception has been reviewed by the County Engineering Services Division and the Fire Marshal. As stated in the Engineering Services Division Memorandum, dated June 8, 2018, and in accordance with Roads & Street Standards (RSS) Section (3) Exception to Standards and Section (5) Local Responsibility Area Exception, it has been determined that the requested Exception will provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property. All other sections of the project driveway will meet the Napa County Road and Street Standards. Refer to Attachment E for additional detail. As noted above, staff supports the request as conditioned by the Engineering Services Division and Fire Marshal.

Traffic - The proposed project takes access from Big Ranch Road. This roadway segment is designated a Rural Collector in Napa County General Plan, and is not expected to reach an unacceptable Level of Service under the buildout of the plan. Based on the focused trip generation analysis prepared by Omni-Means for this project, the project as proposed is forecast to generate 14 Average Daily Trips (ADT) on weekdays and 5 trips during the peak p.m. hours (4-6 p.m.) during regular operations, figures which are comparable to that of a single-family residence. Weekend trip generation is estimated at 19 ADT with 5 peak p.m. trips during regular operations and 39 ADT during crush. The project may be considered to have a less-than-significant increase on the route due to the project generating less than 40 trips daily and less than 5 trips during the p.m. peak hours, and the forecast Level of Service as noted above. Based on the forecast of traffic to be generated by proposed project, and the volume of traffic on Big Ranch Road, this project will not require the installation of a left-turn lane at the location of the project access driveway.

Groundwater Availability - The project as proposed will create an increase in water demand for the production of the wine and also to accommodate the employees and visitors to the winery. The parcel currently has a 100-gallon per minute well onsite and no additional source of water is necessary for the project to operate at full capacity.

The demand from the existing residential uses is 1.90 acre feet per year (afy) and the demand from existing vineyard irrigation is 4.79 afy, for a total existing demand of 6.69 afy. The proposed winery would require 0.55 afy of water for processing and an additional 0.16 afy for domestic use. This is a total increase of 0.71 afy and brings the total proposed water demand up to 7.4 afy. Allotment for Napa Valley Floor Areas is set at 1 afy per total acreage of parcel. In this case, that would be equal to 21.88 afy. The total proposed total of 7.4 afy represents 34% of the allotment for the site.

Because the parcel lies within the Napa Valley Subbasin Study Area, a Tier I annual groundwater recharge estimate is required of the project. Based on the surveyed soil types present on the site and the estimated annual average precipitation of 30.7 inches per year, it is estimated that approximately 7.57 afy of groundwater is recharged annually, which is greater than the annual proposed demand of 7.4 afy.

Wastewater System - A waste water feasibility study was submitted with this project to demonstrate the potential impact the project would have and the feasibility of the parcel's ability to handle the amount of wastewater without incident. Four options for the disposal of winery processing wastewater and sanitary sewage were presented. The first option calls for a "hold and haul" system for the winery processing wastewater, with a 10,000 gallon storage tank which would be hauled off on a weekly basis. The project is expected to create a peak processing wastewater flow of 1,000 gallons per day, or 7,000 gallons per week. The sanitary sewage would be processed through a pressure distribution system with a 4,550 square foot leach field system. The second option would be a pressure distribution system sized for both processing wastewater and sanitary sewage. This system would require a 18,200 square foot leach field. The third and fourth options are for package treatment systems for either both processing wastewater and sanitary sewage (option 3) or just processing wastewater in combination with a pressure distribution system for the sanitary sewage as mentioned with the first option.

All of the proposed wastewater systems are feasible and have been approved in concept by Environmental Health. None of the proposed wastewater treatment options would be visible from any public right of way or neighboring property.

Grape Sourcing - Napa County Code Section 18.104.250 specifies that production capacity of new wineries be determined with approval of a use permit, and that at least 75 percent of grapes processed at wineries in the AP and AW (Agricultural Watershed) Districts be grown in Napa County. The applicant currently has 13.68 acres of productive vineyard on site, which would produce approximately 10,000 gallons of wine, or 1/3 of the total maximum requested production. The applicant has signed an agreement to maintain the required 75% Napa County grape source minimum.

Greenhouse Gas Reduction Strategies - The proposed project incorporates several elements to reduce Greenhouse Gas (GHG) emissions resulting from the project. Design elements that reduce GHG emissions include building plans to exceed Title 24 efficiency standards, a photovoltaic energy system to be installed, a water efficient landscape, the installation of low-energy lighting, and water efficient fixtures. Operational elements to reduce GHG emissions include the recycling of 75% of all waste water, the composting of 75% of food and garden material, and bicycle riding incentives. Additionally, the processing of the grapes on site is estimated to reduce ADT by 13 trips during crush.

Public Comment - To date, there have been no public comment letters received.

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.

Option 1: Approve Applicant's Proposal (Staff Recommendation)

Discussion - The project as proposed has been analyzed for its potential environmental impacts, which was found to meet the requirements of Napa County Local Procedures for Implementing CEQA to qualify as a Categorical Exemption (Appendix B, Class 3, #10 "construction and operation of small wineries"). The request for an exception to the RSS for a reduction in commercial roadway width to a one-way road for 138' of the private drive length has been analyzed and Engineering Services staff and the Fire Marshal recommend approval as conditioned. Furthermore, as proposed, the project meets all County Code requirements and complies with General Plan policies. The proposed operational factors, including compliance with all WDO and Zoning Code regulations, sufficient water supply, and no potential environmental impacts, which has led staff to conclude that the project merits the approval as proposed and conditioned.

Action Required - Follow the proposed action listed in the Executive Summary and adopt the Categorical

Exemption and approve the scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

Option 2: Reduced Project Alternative

Discussion - This option could result in a potential decrease in the scope of the project as a whole or in specific elements.

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

Option 3: Deny the Applicant's Proposal

Discussion - In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with 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 modification 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 project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 4: Continuance Option

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

SUPPORTING DOCUMENTS

- A . Draft Findings
- B . Draft COA
- C . Draft CEQA Determination Memo
- D . Application Material
- E . Road Exception Request
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Trip Generation Analysis
- I . Graphics
- J . Winery Comparison Charts

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith