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Agenda Date: 6/3/2009

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Suzanne Gardner-Gambill, PLANNER I - 299-1334
SUBJECT: Bourassa Winery - P09-00053-UP

RECOMMENDATION

KATHRINE & VICTOR BOURASSA / BOURASSA WINERY / USE PERMIT REQUEST #P09-00053-UP

CEQA Status: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1(a) ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] The 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 to: (1) authorize an existing 60,000 gallon per year winery, utilizing 9,604 sq ft in an existing 11,996 sq. ft. industrial building, with; 2) two full-time and one part-time employees (3) allow for tasting by appointment only with a maximum of 15 people per week (4) no marketing events are proposed. The project is located on the east side of Camino Oruga, on a 1.01 acre parcel approximately 4,000 feet south of its intersection with S Kelly Road and State Highway 12 within an IP:AC (Industrial Park: Airport Compatibility Combination) overlay zoning district. (Assessor's Parcel #: 057-270-004; 005 and 006) 190 Camino Oruga Road, Napa.

Staff Recommendation: Adopt the categorical exemption and approve the project as proposed with conditions of approval.

Staff Contact: Suzanne Gardner-Gambill 299.1334, sgambill@co.napa.ca.us and John McDowell 299-1354, jmcdowell@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission find Use Permit P09-00053 Categorical Exempt from the California Environmental Quality Act pursuant to Section 15301, Class 1(a) ("Existing Facilities"); see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.
2. That the Planning Commission approve Use Permit P09-00053 based on findings 2-6 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion:

The applicant is seeking a use permit to authorize a 60,000 gallon per year winery including custom producers and alternating proprietors, which is currently partially in operation within a mixed industrial use condominium project. The use was originally established as a by-right wine storage facility but has since added tours and tastings, and has advertised marketing events. Approval of this use permit application will bring the facility into compliance with County requirements. The site was originally approved for two multi-tenant industrial buildings totaling 29,014 square feet. The production facility utilizes 9,604 sq. ft. in the northern portion of the existing industrial building which totals 11,996 square feet. The winery includes production space and a tasting room with retail sales, wine storage, barrel aging, bottling, two full-time and one part-time employees and proposed visitation by appointment only with a maximum of 15 people per week. No marketing plan was proposed with the original application filing, because the applicant was not clear what types of activities are considered marketing events. Staff is expecting the applicant to request some modest level of marketing prior to the hearing. The property has 49 shared parking spaces. Staff supports grant of the use permit subject to proposed conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1(a) ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Katharine & Victor Bourassa

Zoning: GI:AC (General Industrial : Airport Compatibility Combination)

General Plan Designation: Industrial

Filed: February 17, 2009

Declared Complete: April 13, 2009

Proposed Building size: Total winery square footage: 9,604 sq. ft. of the existing 11,996 sq. ft. building.

Proposed Production capacity: 60,000 gallons per year with custom producers and alternating proprietors.

Proposed Marketing: No marketing proposed (expecting request from applicant prior to hearing)

Proposed Visitation: By appointment only with a maximum of 15 people per week (expecting modest change request from applicant prior to hearing)

Number of employees: 2 Full time, 1 Part time

Hours of operation: 10 a.m. - 5 p.m.

Parking: There are a total of 49 parking spaces shared by all tenants within the two buildings.

Adjacent Zoning / Land Use:

North: Industrial - A 2.38 acre undeveloped parcel, approved for a contractors yard and office, owned by the Dyce Group LLC.

South: Industrial - A 1.04 acre developed parcel containing winery warehouse owned by Peju Providence Winery.

East: Agricultural Watershed (AW) - A 161 acre vacant parcel, owned by Napa Sanitation District and used as spray fields.

West: Industrial - A .62 acre vacant parcel approved for a contractors yard, owned by Berglund Family Vineyards and 7.23 acre developed parcel containing offices, owned by Pacific Bell Telephone Company.

Property History:

1990: A Site Plan Approval (SA-90-04) was approved to construct two industrial buildings for warehouse and trade shops totaling 29,014 sq ft. The first building was 16,912 sq. ft. and was constructed in 1991 and the second building was 11,996 sq. ft. and was constructed in 2004 both were finalized for occupancy.

2004: A Parcel Map (P04-0266-PM) was approved to convert the multi-tenant industrial structures into ten industrial condominium units and one common area parcel.

2005: A Parcel Map (P05-0059) was approved to add two additional industrial condominium units to a total of twelve with no expansion of the buildings footprint.

2007: A building permit (B06-01174) for a tenant improvement was approved for wine production and to install waste water storage tanks and added a drain system within the units. They were installed and finalized in October of 2007.

Code Compliance History:

There are no records of prior code violations, however the applicant disclosed to the County at the time of filing the use permit application that portions of the facility had been converted to a tastings accessory space. The applicant said that they had checked in with the Planning Division prior to implementing tasting and claims that Staff had said it was o.k. The Planning Division has no record of authorizing the use. Approval of this use permit will rectify the issue.

Discussion Points:

1. Tasting Room - 488 square feet of the subject building is dedicated to a tasting area. In the original application, proposed tastings by appointment only were limited to 15 maximum per week, with operation occurring seven days a week. No tours or marketing plan was proposed. In discussions with the applicant over the last week, it appears that the applicant was not clear that trade-related events occurring at the winery consisted marketing. In addition, the applicant expressed concern that the visitation number may be too low to fit their business plan. It is anticipated that the applicant will be submitting a letter requesting minor changes to the visitation levels and adding some modest marketing numbers. It is expected that these changes will not result in a significant change to the intensity of business occurring at the site, and consequently, there should not be a need to revise the noticing/staff report, and the project should still qualify for a Categorical Exemption.
2. Bottling - The wine is currently bottled off site at an approved winery facility. Upon grant of the use permit, the applicant proposes to use a mobile bottling company to bottle the wine on site. The truck will park horizontally to the building so there is no obstruction of access or parking.
3. Winery Appearance - The winery will be located within a completed multi-tenant industrial building. The building design is a concrete tilt up with a stucco finish, and each unit has its own roll up door. The overall building is rather typical for a mixed use, light industrial building. The project site is zoned General Industrial, and therefore, the building was not subject to any architectural evaluation as is the case in other industrial areas. The Commission has previously commented that winery projects in the industrial park should be held to a high design standard in keeping with General Plan policy that Napa wineries "convey an appearance of quality and permanence." The applicant has made some appearance improvements to the facility since occupying the site consisting of: adding a wood winery door at the tasting room; adding door awnings; and using barrels to line the entry to the tasting room. The applicant has also added some potted plants to further enhance site landscaping. The winery is located away from the public street. Staff believes that added significant architectural improvements to this building would be difficult and possibly cost prohibitive given the small scale of this winery operation and the very limited public visitation. As evidenced by other similar facilities in the industrial park, if this winery is successful and the need for visitation increases, it will likely necessitate the tasting/visitation component of the business relocating to an area more conducive for visitation.
4. Equipment Storage - The existing waste water tanks are located on the south side of the building and are presently screened by a fence and existing landscape. The applicant has contracted with Dependable Septic to periodically dispose of the waste as needed.
5. Signage - An existing winery identification sign has been placed on an awning directly over the office and tasting area, but was constructed without a permit. The sign does not presently identify that tastings are by appointment only. Staff recommends approval of the sign but requests that by-appointment only language be added. The applicant also proposes to add two directional signs on Kelly Road, which are allowed by Code upon approval of the Planning Director and Department of Public Works.

Consistency With Standards:

1. Zoning - GI:AC (General Industrial : Airport Compatibility Combination) allows wineries per Napa County Ordinance: 18.44.020
2. Fire Department: All construction and use of the facility must comply with all applicable standards (see attached comments), which as a result of changing from wine warehousing to a winery with tours and tasting, may result in some minor upgrades to the building.

3. Public Works: All public and private site improvements were completed with the original building permit.
4. Environmental Management and Napa Sanitation District: Domestic waste presently is connected to Napa Sanitation District sewer. Winery waste will be handled by an existing holding tank and hauled by private contractor (Dependable Septic) to East Bay Mud (Hold and Haul system).
5. City of American Canyon: The City of American Canyon re-issued a "will serve" letter for this project and the applicant has proposed to stay within the water use limits established by the City for the overall development set forth in the will serve letter dated April 1, 2009.

SUPPORTING DOCUMENTS

- A . Exhibit A findings
- B . Exhibit B - Conditions of Approval
- C . Napa Sanitation Memo
- D . American Canyon Will Serve Memo
- E . Application Submittal
- F . Graphics
- G . Department Comments

Napa County Planning Commission: Approve

Reviewed By: John McDowell