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Agenda Date: 7/1/2009

Agenda Placement: 9D

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Melissa Gray for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Sean Trippi, Principal Planner - 299-1353  
**SUBJECT:** Busby Wine Production Facility

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### **RECOMMENDATION**

#### **BUSBY WINE PRODUCTION FACILITY / DAVID BUSBY - USE PERMIT #P08-00654-UP**

**CEQA Status:** Mitigated Negative Declaration prepared. According to the proposed 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 and Transportation/Traffic. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** The project consists of a request to approve a Use Permit to establish a new winery with a production capacity of 50,000 gallons per year within a ±18,162 sq. ft. building. Access to the proposed winery would be from a new driveway on Technology Way and via an existing shared driveway with the property to the south. On-site parking for 26 vehicles, landscaping, and a freestanding sign are also included with the proposal. The winery is proposed to be open five (5) days a week, from 7:00 a.m. until 6:00 p.m. Staffing for the winery is expected to include three (3) full-time employees and eight (8) part-time employees for crush and bottling. No tours and tasting or marketing events are proposed. The proposed project is located on a 1.28 acre parcel on the west side of Technology Way, approximately 250 south of Morris Court and 560-feet east of the Napa County Airport within an Industrial Park: Airport Compatibility (IP:AC) zoning district. (Assessor's Parcel #057-250-023). Napa.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Use Permit subject to 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 Mitigated Negative Declaration for the Busby Wine Production Facility, based on findings 1-6 of Exhibit A (attached); and
2. That the Planning Commission approve Use Permit P08-00654 based on findings 7-14 of Exhibit A and subject to the conditions of approval (Exhibit B)

**Discussion:**

The project consists of a request for a new winery with a production capacity of 50,000 gallons per year within a ±18,162 sq. ft. building. The project is compatible in design and character with other recent winery projects located in the business park. No tours and tasting or marketing events are proposed.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration (MND), the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Biological Resources 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:**

Biological Resources - A preliminary Biological Resources Evaluation report, dated April 21, 2008, was prepared by Prunuske Chatham, Inc., to determine whether the site is likely to contain state or federally listed rare, threatened, or endangered plant or animal species, address potential impacts, if any, to protected species, and recommend mitigation measures as needed.

According to the report, nonnative grassland and ruderal habitats occupy the entire site, which in general provide limited wildlife habitat. Based on a field survey by the project biologist, unique habitat features and plant communities that would typically support special-status plants are not present. The report notes that ground foraging birds and other migratory birds may utilize the site for foraging. However, there are limited opportunities for nesting due to the low growing vegetation. Due to the lack of unique habitat features and plant communities, suitable habitat for special-status species is absent from the project site, and they are not likely to be impacted by development. Due to previous reported occurrences, there is low to moderate potential for burrowing owls and ferruginous hawks to be occupying the project area region during the winter months. The mitigation measure included in the MND will reduce impacts to any special-status species, including migratory birds protected under the Migratory Bird Treaty Act, to a level of less than significant.

Transportation/Traffic - According to information submitted by the applicant, the proposed wine production facility is expected to generate approximately 28 daily trips. In addition to the proposed use of the building for wine production, this facility could also be used solely for wine warehousing and storage. According to the Institute of Traffic Engineers, Trip Generation, 7th Edition, 2003, warehousing uses defined as primarily the storage of materials that may include office and maintenance areas, are expected to generate 4.96 daily and 0.61 PM peak period vehicle trips per 1,000 sq. ft. of gross floor area. Based on the proposed 18,162 sq. ft. building, approximately 90 total daily vehicle trips would be generated based on warehousing trip generation rates. Based

on the more conservative warehousing trip generation rates, the proposed project would generate approximately 11 trips during the p.m. peak period base. According to information from the California Department of Transportation traffic counts taken in 2006 indicate the traffic volume at the Highway 12/29 intersection was approximately 48,500 to 67,000 average daily vehicle trips. Peak hour trips were approximately 3,950 to 5,100 vehicles. Traffic generated by this project will contribute less than 1% to the traffic levels on local roadways and intersections and to any deterioration in their level of service. This less than 1% increase is considered a less-than-significant level with the payment of the "fair share" development impact fee described in Board Resolution No. 08-20. The MND 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**

**Owner/Applicant:** David Busby

**Zoning:** IP:AC - Planned Industrial: Airport Compatability

**General Plan Designation:** Industrial

**Filed:** December 11, 2008    **Declared Complete:** May 15, 2009

**Proposed Building size:** Total winery square footage: 18,162 sq. ft. (17,484 sq. ft. building footprint)

**Proposed Production capacity:** 50,000 gallons per year

**Proposed Marketing:** None proposed.

**Proposed Visitation:** No tours and tasting are proposed.

**Number of employees:** 3 full-time & 8 part-time

**Hours of operation:** 7 AM - 6 PM (5 days a week)

**Parking:** 26 off-street spaces

**Airport Compatibility:** Zone D - Common Traffic Zone - area of routine overflight at low elevations. Wineries, warehousing, office and light industrial uses are highly compatible with this zone.

### **Adjacent Zoning / Land Use:**

The project site adjoins Technology Way to the east, industrial/business park development to the west and south and undeveloped property to the north and east, across Technology Way. All surrounding land is zoned IP:AC - Industrial Park, Airport Compatibility Combination District.

North: IP:AC - The 11 acre property to the north is the currently vacant but has a valid use permit for a 600,000 gallon per year winery/distillery within three buildings totaling 261,000 sq. ft. winery. The buildings were also approved for speculative warehousing/manufacturing/office uses.

South: IP:AC - The property to the south is developed with a light industrial/office complex on a 1.1 acre property.

East: IP:AC - Across Technology Way are two undeveloped industrial/business park properties totaling 5.5 acres. To their south is a speculative light industrial condominium development owned by the project applicant.

West: IP:AC - The 16 acre property to the west is developed with a warehouse/distribution building.

### **Property History:**

March 2003 - The Planning Commission approved a Tentative Parcel Map (#02237-PM) subdividing a 2.33 acre parcel into two lots; Lot 1 with 1.05 acres and Lot 2 with 1.28 acres (the subject property). Concurrent with the tentative parcel map, the Commission also approved a Use Permit (#02488-UP0 for a 10,600 sq. ft. building with 8,000 sq. ft. of office and 2,000 sq. ft. of warehouse/storage with 42 parking spaces on Lot 1. The approval also included shared access at the common (interior) property line between the two lots.

The project site is currently vacant and has been previously disced/graded. Adjoining streets and public improvements have been completed, including street paving, curb, gutter, and public utilities, when improvements were installed for the Napa Valley Gateway Business Park.

**Code Compliance History:** None

### **Discussion:**

1. Building design, layout & materials - Exterior building materials include 25-foot high concrete tilt-up wall panels with a tex-coat finish, tile roofing, glass entry doors, stone veneer, metal awnings and loading dock cover, and faux wood "barn-style" doors. The height to the peak of the main roof is approximately 34-feet above grade. The project architecture is generally consistent with similar development in the Airport Industrial Area.
2. Access/Parking - Access to the building is proposed from a new driveway on Technology Way and via an existing shared driveway with the property to the south. The drive aisle wraps around three sides of the building. The drive aisle provides access to a depressed truck loading dock on the north side of the building and a trash enclosure at the rear of the building as well as Fire Department and emergency vehicle access to all areas of the building. Parking for 26 vehicles is provided on site. The majority of the parking spaces are located on the south side of the building.
3. 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.
4. Landscaping - The AIASP requires a building setback with a 40-foot average, and a minimum of 25-feet, from Technology Way. The 25-foot adjoining the street is required to be landscaped. The building is generally setback 43-46 feet. An architectural feature on the front of the building projects into the 40-foot setback 4-6 feet and complies with the 40-foot average setback. The area between the building and the street is landscaped, exceeding the 25-foot requirement except at the two accessible parking stalls on the south side of the building and the two driveways.

The AIASP also requires 10-foot setbacks from the side and rear property lines. The building is setback 25 to 63 feet from the north (side) property line, 42-feet from the rear property line, and 55-feet from the south (side) property line. Parking, drive aisles, loading areas, and other improvements may be permitted in the required yard setbacks provided there is 25-feet of landscaping adjoining the front property line and 10-feet of landscaping along the the

side and rear property lines. However, when two or more sites share access, landscaping along the shared property line is not typically provided. In this case, the applicant is proposing 5-8 feet of landscaping along the shared property line which, when combined with the existing 5-feet of landscaping on the adjoining property to south will create a 10-13 foot wide landscape planter between the two properties. Pursuant to the AIASP, the Planning Commission may reduce side and rear perimeter landscaping to 5-feet as part of the use permit process. Staff believes a modification is warranted as the landscaping along the rear of the site is not visible from the street and is compensated by the over 40-feet of landscaping provided at the front of the property and the landscape reduction along the north property line improves on-site circulation for large trucks and fire apparatus. Additionally, staff has encouraged maximizing floor area in the AIASP as land available for industrial development within the park is diminishing. It should be noted that the lot coverage and floor area ratio (FAR) of the proposed building is a little over 31% and 32.5%, respectively. (The AIASP allows an FAR of 35%)

### **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 IP:AC (Industrial Park: Airport Compatibility) allows wineries and speculative industrial buildings with the approval of a use permit. Site layout, building design, coverage, and setbacks generally 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.
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 new driveway. Public Works has included conditions addressing compliance with regulations regarding grading, drainage, stormwater control, erosion, access, and parking lot standards.
4. Environmental Management - Conditions are required that address businesses generating and/or storing hazardous materials, solid waste and recyclable materials.
5. Other Agencies - The project has will-serve letters from the City of American Canyon and Napa Sanitation District regarding the provision of and connecting to municipal water and sewer services, respectively. Napa Sanitation District has also conditioned the project for compliance with applicable District requirements. Process waste will be hauled off-site.

### **SUPPORTING DOCUMENTS**

- A . Findings
- B . Conditions of Approval
- C . Review Agency Comments
- D . Mitigated Negative Declaration & MMRP
- E . Biological Resources Evaluation
- F . Application Materials
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray