



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/4/2010

Agenda Placement: 9C

## Napa County Planning Commission Board Agenda Letter

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

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### **RECOMMENDATION**

#### **MJA VINEYARDS / MARIN ARTUKOVICH c/o FARELLA BRAUN & MARTEL LLP- USE PERMT MAJOR MODIFICATION (P10-00123-MOD)**

**CEQA Status:** Mitigated Negative Declaration prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following area: Transportation/Traffic. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval to modify Use Permit #U-28889 to allow (1) an increase in production capacity from 3,300 gallons per year to 23,775 gallons per year; (2) the conversion of previously approved residential living areas to winery production and accessory uses establishing a winery with approximately 11,921 square feet of production area and approximately 2,588 square feet of accessory area within structures and caves; (3) authorizing existing and proposed outdoor work (5,534 sq. ft.), tank pad (2,876 sq. ft.), and storage areas (2,161 sq. ft.) totaling approximately 10,571 square feet of area; (4) establishing winery uses within a 5,511 sq. ft. cave (cave floor area is included in (2) and (3), above); (5) approval of an existing retaining wall; (6) approval an existing expansion of the parking area on the west side of the building; (7) tours and tastings by appointment only for up to 15 visitors per day, with a maximum of 75 visitors per week; (8) establish a marketing plan with two events per month for a maximum of 15 guests at each event and two events per year for a maximum of 30 guests at each event; (9) an increase to the number of employees from one part-time employee to two full-time and two part-time employees; (10) an increase to the number of on-site parking spaces from four to nine; (11) installation of a new winery process and domestic wastewater system; and, (12) an exception to the County Road and Street Standards recognizing the reduced width of the existing access drive. The 17.78 acre project site is located on the west side of Greenfield Road, approximately 1,700-feet northwest of the intersection Greenfield Road and Conn Valley Road within the AW (Agricultural Watershed) zoning district. APN: 025-380-021. 647 Greenfield Road, St. Helena.

**Staff Recommendation:** Adopt the mitigated negative declaration and mitigation monitoring and reporting program and approve the use permit with the proposed conditions of approval.

**Staff Contact:** Sean Trippi, 299-1353 or [sean.trippi@countyofnapa.org](mailto:sean.trippi@countyofnapa.org)

## **EXECUTIVE SUMMARY**

### **Project Action:**

1. That the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for MJA Vineyards winery, based on findings 1-6 of Exhibit A;
2. That the Planning Commission approve the requested Exception to the Napa County Road and Street Standards based on findings 7-9 of Exhibit A; and,
3. That the Planning Commission approve Use Permit Modification (File #P10-00123-MOD) based on findings 10-14 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

### **Discussion:**

In October 1988, the Planning Commission approved a use permit for a winery of 3,300 gallons per year with about 2,650 sq. ft. of floor area in a two-story building with a residence above the winery. Subsequent to approval and construction of the winery, numerous improvements were made to the site and building without building or grading permits or modification of the use permit. After the improvements were brought to the attention of the County, applications for building and grading permits were submitted in late 2008/early 2009. However, these permits could not be processed without approval of a use permit modification. The applicant filed the subject application in March 2010.

In addition to the use permit modification that addresses increased production capacity, prior unpermitted site and building improvements, and new proposed improvements, the request also includes an Exception to the Napa County Road and Street Standards to address portions of the existing driveway approved and constructed as part of the original use permit that do not meet the minimum 20-foot width requirement.

Although the majority of the improvements requested with this application are to authorize previous unpermitted work, staff believes the required findings can be made in support of the requested Exception to the Napa County Road and Street Standards and Use Permit and recommends approval as conditioned.

## **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 Transportation/Traffic. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### **Discussion:**

Mitigation measures are included that address improving vehicle sight distance at the Conn Valley

Road/Greenfield Road intersection and to improve access and safety at the project drive/Greenfield Road intersection.

## **BACKGROUND AND DISCUSSION**

**Owner/Applicant:** Marin Artukovich

**Representatives (Attorneys):** Ms. Katherine Philippakis, Farella Braun + Martel

**Zoning:** AW (Agricultural Watershed)

**General Plan Designation:** AWOS (Agricultural Watershed and Open Space)

**Filed:** March 24, 2010

**Complete:** June 11, 2010

**Production Capacity (Approved):** 3,300 gallons per year

**Production Capacity (Proposed):** 23,775 gallons per year

**Winery Production Area (Previously Approved):** Approximately 2,650 sq. ft. of floor within a 5,300 sq. ft. two-story building that included a residence and a studio; an approximate 600 sq. ft. outdoor crush pad, and approximately 154 sq. ft. of accessory uses.

**Winery Production Area (Existing/Proposed):** Approximately 11,921 sq. ft. of winery production and 2,588 sq. ft. of accessory area plus outside work, tank and storage area totaling approximately 10,571 sq. ft.

**Accessory to Production Ratio (Approved):** 5 - 6% (approximate - no information included with original application)

**Accessory to Production Ratio (Proposed):** 21.7%

**Accessory to Production Ratio (WDO Maximum):** 40%

**Marketing (Existing):** No marketing events had been previously approved.

**Marketing (Proposed):** Two events per month with up to 15 people and two annual events with up to 30 people. The food for the proposed marketing events will be catered.

**Visitation (Existing):** The original use permit allowed tours and tastings by prior appointment but did not specify a number of visitors.

**Visitation (Proposed):** Tours & tasting by appointment only for 15 visitors per day (maximum) with a maximum of 75 visitors per week.

**Number of Employees (Approved):** One part-time

**Number of Employees (Proposed):** 2 full-time and 2 part-time.

**Days & Hours of Operation (Existing):** 7 days a week, 8:00 Am to 4:30 PM

**Days & Hours of Operation (Proposed):** No Change

**Parking (Existing):** 8 (4 were previously approved)

**Parking (Proposed):** One new ADA parking space for a total of 9 spaces

**Setbacks:** Existing building is approximately 120 to 170 feet from the centerline of Greenfield Road. The original project approval predates the requirement for a 300-foot setback from the centerline of Greenfield Road. No new

structures are proposed with this application.

**Setting:**

The 17.78-acre site is located in the hills northwest of Lake Hennessey, approximately 1,500 feet north of the lake, on the west side of Greenfield Road, north of Conn Valley Road. The project site is currently developed with a winery, a home attached to the winery, approximately 7.3 acres of vineyards, agricultural buildings, a small reservoir, pond, and wooded areas. Properties in the vicinity of the project site range in size from 2 to 450. Surrounding uses include single-family homes, vineyards, and a few producing wineries (Amizetta, Seavey and Buehler) and a recently approved winery (Mansfield). An unnamed tributary stream, approximately 340-feet west of the northwest corner of the property, runs from northeast to southwest and into Conn creek. Undeveloped areas are generally heavily wooded. Elevations range from approximately 420-ft. to 640-ft. above mean sea level.

**Nearby Wineries:**

Amizetta Vineyards - 1099 Greenfield Road - 2,700 sq. ft. - 12,000 gal/yr (small winery exemption - no tours, tastings or marketing)

Seavey Vineyard -1310 Conn Valley Road - 12,085 sq. ft. - 20,000 gal/yr - Tours & Tasting by appointment (6/week) - One annual marketing event with 50 people

Buehler Vineyards - 820 Greenfield Road - 13,608 sq. ft. - 50,000 gal/yr - No Tours & Tasting or Marketing

Anderson's Conn Valley Vineyards - 680 Rossi Road - 26,099 sq. ft. - 40,000 gal/yr - Tours & Tasting by Appointment (20/week) - 4 annual marketing events with between 20-35 persons per event.

Mansfield Winery - 1291 Conn Valley Road - 15,688 sq. ft. - 20,000 gal/yr - Tours & Tasting by Appointment (120/week) 19 marketing events with between 12-36 persons (150 persons at auction and wine release events)

All of the above wineries are producing except for the Mansfield Winery which was approved October 2009.

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

AWOS General Plan designation

AW zoning

Primarily residences and vineyard areas on lots ranging in size from about 2 acres to 60 acres. A little less than a mile to the northeast lies Amizetta Vineyards winery.

**South:**

AWOS General Plan designation

AW zoning

Primarily residential uses and vineyards on lots with about 1 to 14 acres.

**East:**

AWOS General Plan designation

AW zoning

Primarily residences and vineyard areas on lots ranging in size from about 3 acres to 78 acres. About a half a mile as the crow flies is the Buehler Vineyards winery.

**West:**

**AWOS General Plan designation****AW zoning**

Primarily residential uses and vineyards on lots ranging in size from about 8 acres to 143 acres. A little over half a mile are the Seavey Vineyards winery and the recently approved Mansfield winery. About a mile beyond that is Anderson's Conn Valley Vineyards.

**History:**

October 1988 - The Planning Commission approves Use Permit No. U-28889 (Finkelstein Winery), allowing a 3,300 gallon per year winery with tours and tasting by appointment (although no number of visitors were specified)

June 1997 - The Director approved an ECPA No. 96600 for Mr. Finkelstein to develop 2.5 acres of vineyards on land under ownership of an adjoining neighbor that was acquired by lot line adjustment.

December 2007 - Mr. Artukovich entered into an Agricultural Preserve Contract (No. P07-00773).

**Code Compliance History:**

In October and December of 2008, the Code Compliance Division and the Department of Public Works received a complaint regarding tunnel work and road/access drive alterations and associated drainage impacts. At the end of December 2008, applications for the cave portal and grading were submitted to the Building Division and Public Works, respectively. Mid-January 2009, staff inspected the site and discovered that improvements had been made to the driveway and that the cave portal had been constructed. Staff also found that a 260-foot long retaining wall with a maximum height of approximately 15 to 20-feet for about 130 feet of its length had been constructed and the cave spoils filled behind the wall to create an expanded parking area. Additionally, the exterior of the building had been resurfaced with stone veneer, portions of the residence had been converted to winery use, and tanks and equipment had been moved onto pads at the rear of the building. Although applications had been submitted to the Building Division for the cave portal and a grading permit had been submitted to Public Works, all improvements had been made without the approval and issuance of the respective building or grading permits. Additionally, the exterior and interior building alterations and site improvements had also been made without permits. Permit processing was suspended until a use permit modification application could be submitted and approved.

**Discussion:****Use Permit Modification -**

The use permit modification currently before the Commission includes an increase in annual wine production from 3,300 gallons to 23,775 gallons, a slight increase in employment, new marketing events and specifying visitors for previously approved tours and tastings. The application also proposes to authorize those improvements made without benefit of permits as well as approve new site improvements, as discussed below.

**Winery Building -**

The existing building was approved in 1988 and included a winery and a residence. Portions of the residence have been converted to winery uses. An exterior crush/fermentation pad, tank storage and grape handling area was also established on the north side of the building subsequent to the original use permit approval. This application seeks to authorize those previous conversions and exterior work areas and approve use of the entire building as a winery. Additionally, the exterior surfaces of the existing building had been clad with stone or stone veneer, also without prior approval. Although the interior and exterior improvements were undertaken prior to County approval, findings can be made that they are consistent with applicable zoning regulations. The completed interior alterations and exterior expansion are within the accessory use to production ratio of 40%. Along with the proposed new outdoor work area, the accessory to production ratio would be about 22%. Also, the stone exterior

presents an attractive appearance in keeping with the goals and policies of the General Plan addressing the design and appearance of wineries. Staff recommends approval of the interior/exterior alterations and expanded outdoor work areas subject to the requirements that the applicant obtain building permits for all the previously constructed and proposed interior and exterior improvements.

**Cave Portals/Tunnels -**

The cave tunnels include approximately 5,511 sq. ft. of floor area and would primarily be used for barrel storage, blending, racking and bottling. Access is via two portals, one from the barrel storage area inside the winery building and another outside portal southwest of the winery building. Both interior improvements to the cave tunnels and improvements to the external portal will need to be completed. Although the applicant had submitted a building permit for the cave portals, the permit indicated it was for residential storage only and did not show the full extent of the cave tunnels or the proposed use. Excavation of the cave tunnels was completed late 2008/early 2009. However, additional work is needed to complete the cave tunnels including the installation of utilities. Building permits showing the tunnel layout, total area, use and utilities need to be submitted for review and approval by the County prior use of the caves.

**Cave/Nearby Septic Systems -**

Section 13.28.040 of the Napa County Code includes regulations governing the minimum distance between caves and sewage disposal systems, including septic tanks and dispersal fields. The cave or a portion of the cave is located within approximately 60-feet of a neighboring properties septic dispersal field, uphill of the project site, where 100-feet is required by County Code. The applicant and the Department of Environmental Management are discussing potential options to bring the cave into compliance with County Code. Additional information will be presented at the Commission hearing concerning this issues.

**Retaining Wall/Parking -**

As noted above, an approximate 260-foot long retaining wall was constructed to the west of the winery building and existing access drive. The wall reaches heights of 15 to 20-feet for approximately 130-feet of its length (as scaled from the plans submitted by the project engineer). The spoils from the cave excavation were used to fill the area between the wall and natural slope to create a flat pad area that has been paved. The width of the paved area ranges from 20-feet at the south end to 60-feet at the north end. The southern end of the pad provides 8 parking spaces. A ninth parking space is provided near the front door on the east side of the winery to meet accessibility requirements. Although the wall is not visible from Greenfield Road, it can be viewed from surrounding properties. It is recommended that the applicant provide landscaping either at the bottom of the wall or cascading down from the top of the wall to filter views of the wall from neighboring properties.

**Tours and Tastings/Marketing Events -**

The original use permit permitted tours and tasting by prior appointment and expressly prohibited public tours and tasting. However, the use permit did not include the number of visitors allowed for tours and tastings. This applications includes a request to allow private tours and tasting for no more than 15 visitors per day with a maximum of 75 visitors per week.

The proposal also includes a request to establish a marketing plan. No marketing activities were approved with the original use permit. The proposed marketing activities would include two events per month for up to 15 guests each and two annual events for up to 30 guests each. The food for the proposed marketing events would be provided by an off-site caterer.

As analyzed in the submitted focused traffic study, the project impacts on traffic loading and levels of service are deemed not to be considerable and would not result in a change in the level of service.

**Winery Road Exception -**

As noted in the project description, above, the proposal includes a request for an exception to the County Road and

Street Standards to address the project's access drive/driveway. The driveway was approved with the original use permit for the winery; however, portions of the existing driveway do not meet the minimum required width of 20-feet with the narrowest portion being about 15-feet wide for an approximate length of 25-feet. In addition, the driveways intersection with Greenfield Road, while more than 20-feet wide, does not meet standards regarding turning radius, slope, and vertical curve. Generally, widening the entire length of the driveway to meet the minimum width of 20-feet would result in the loss of a number of mature trees and is further impacted by the topography (steep slopes), and would affect the stability of the existing embankment by removing the existing vegetation. Public Works and the Fire Marshall have reviewed the request and recommend grant of an exception as they have conditioned. Past improvements at the driveways intersection with Greenfield Road have improved the access somewhat but Public Works recommends a condition of approval to further improve access and safety which is also included as a mitigation measure.

**Road Easement -**

A portion of Greenfield Road was constructed outside the public access easement. In addition, a portion of the cave is within the public access easement. The Department of Public Works has been working with the applicant's representative and County Counsel to amend the access easement deed to in essence swap land so that the cave is completely outside the easement and Greenfield Road is completely within the easement. A condition of approval is also included in their memo addressing this matter.

**Consistency with Standards:****Zoning -**

The project is consistent with AW (Agricultural Watershed) 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 18.20.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and, where variances and/or exceptions to the requirements of the Zoning Code are requested, required findings can be made.

**Building Division Requirements -**

The Building Division recommends approval with standard conditions.

**Fire Department Requirements -**

The Fire Marshal recommends approval with standard conditions.

**Public Works Department Requirements -**

The Department of Public Works recommends approval with standard and project specific conditions.

**Environmental Management Department Requirements -**

The Department of Environmental Management recommends approval with standard conditions.

**SUPPORTING DOCUMENTS**

- A . Findings
- B . Draft Conditions of Approval
- C . Review Agency Comments
- D . Draft Mitigated Negative Declaration & MMRP
- E . Traffic Analysis
- F . GHG Reduction Checklist

G . Application Materials

H . Correspondence

I . Original Approval/Conditions

J . Original Site Plan, Floor Plan & Elevations

K . Project Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray