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Agenda Date: 9/15/2010

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Sean Trippi for Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: Mary M Doyle, Planner - 299-1350
SUBJECT: McBride Winery Use Permit P10-00049 and Variance P10-00050

RECOMMENDATION

McBRIDE WINERY/ CHARLES & KATHLEEN McBRIDE - USE PERMIT P10-00049 UP AND VARIANCE P10-00050 VAR

CEQA STATUS: Categorically Exempt pursuant to Section 15303 Class 3 ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303, and Class 3 (New Construction or Conversion of Small Structures Item #10: Small Wineries) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act.

REQUEST: (A) Approval of use permit for a 25,000 gallon per year winery within a new two story structure totaling 3,623 square feet which includes the following: approximately 2,000 square feet of production area (fermentation, bulk bottle storage, distribution area, equipment/maintenance area), an employee kitchen and laboratory, a 260 square foot tasting room, a 330 square foot office, 360 square feet of conference/meeting area, with approximately 3,450 square feet of outdoor work area including covered crush area, 1200sf outdoor tank area, and 5 parking spaces. The project includes two full time employees, one part-time employee; a marketing program with 6 private wine events per year with catered food for 25 guests maximum per event, and 1 private Harvest event per year for 100 guests maximum per event. **(B)** Approval of a variance to reduce the 300 ft. private road winery setback to 100 feet, and to reduce the 600 ft. major arterial road winery setback from State Highway 128 to 480 feet. The project is located on an 11-acre parcel on the west side of State Highway 128 approximately 1,200 feet north of its intersection with Bennett Lane within the Agricultural Watershed (AW) zoning district. (Assessor's Parcel Number: 017-110-049) Calistoga.

Staff Recommendation: Find the project Categorically Exempt and approve the Major Modification Use Permit with proposed conditions of approval.

Staff Contact: Mary Doyle, 299-1350 or mary.doyle@countyofnapa.org

EXECUTIVE SUMMARY**Proposed Action:**

That the Planning Commission:

1. Find this project Categorical Exempt pursuant to Section 15303 of the California Environmental Quality Act (Class 3 - New Construction of Small Structures);
2. Approve Variance no. P10-00050 based on findings 2 through 6 of Exhibit A; and,
3. Approve Use Permit no. P10-00049 based on findings 7 through 11 of Exhibit A and subject to the attached conditions of approval (Exhibit B).

Discussion:

The proposal before the Commission is for a small winery on an 11 acre parcel located in the northern end of Napa Valley just west of State Highway 128. The winery is situated on the northwestern portion of the property 100 ft. from the centerline of an existing private road that serves both the subject site and property to the west. A variance is consequently requested seeking relief from the 300 ft. winery setback from the private road. The proposed variance, if approved, would also allow the winery structure to be located 480 ft. from the centerline of State Highway 128 where 600 ft. is required. To grant a variance, the Commission must find that special circumstances exist that prevent the proposal from otherwise meeting setback requirements. Staff believe the combination of existing vines, native vegetation, slopes, limited visibility and property shape result in circumstances that justify grant of the variance.

This is a small winery with limited visitation and marketing. The applicant is proposing to use the siding of a previously disassembled barn from Iowa and to use the barn as the design for the winery structure. The proposed design appears in keeping with the rural character of the area. The design features will include the board & batten siding, tin roof with cupolas and stone wainscot/foundation. The applicant currently intends to re-use the siding of a disassembled barn. The color palette has yet to be determined, though it is anticipated to be a "weathered red" similar to the old barn. Proposed landscaping near the winery structure would consist of planting 8 mature trees. Staff recommends approval of the project with the attached conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

This project is Categorical Exempt pursuant to Section 15303 of the California Environmental Quality Act (Class 3 – New Construction or Conversion of Small Structures and Class 5 – Minor Alteration in Land Use Limitations) and Appendix B, and Class 3 (New Construction or Conversion of Small Structures Item #10: Small Wineries) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act consisting of a new winery that meets the following criteria for Small Wineries: Construction and operation of small wineries that: (a)

are less than 5,000 square feet in size excluding caves; (b) will produce less than 30,000 gallons of wine per year; (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; (d) 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 (e) hold no temporary events.

BACKGROUND AND DISCUSSION

Owner/applicant: Charles McBride/McBride Winery, Josh Chandler (707-857-1908)

Representative: Jon Webb, Albion Surveys (707-963-1217)

Zoning: Agriculture Watershed-AW

GP designation: Agriculture Resource (AR) and Agricultural Watershed Open Space (AWOS)

Filed: February 11, 2010, revised April 14, 2010, revised July 2, 2010.

Proposed Building Size: 3,623 square foot winery/production 2-story building to include laboratory, office space, tasting area, case and barrel storage, restroom, employee kitchen, conference room, mobile bottling, outdoor covered crush pad/work area of 3,414 square feet, and 1,200 square feet of outdoor tank area.

Production: 25,000 gallons per year

Marketing: 6 private food & wine events per year with 25 guests per event, 1 Harvest event per year with 100 guest, and appointment only tours and tastings. No temporary events are proposed.

Days and hours of operations: Winery operations Monday through Friday from 7 a.m. to 6 p.m. (Hours/days during Harvest/Crush 7 a.m. to 7 p.m. Sun-Sat) Event hours Monday through Friday from 7 a.m. to 6 p.m. Tours and tastings hours Monday through Friday from 10 a.m. to 4 p.m.

Visitation: 10 visitors per day, maximum 50 per week

Number of employees: 2 full time, 1 part time

Parking: 5 spaces (including 1 ADA compliant)

Adjacent Zoning/Land Use/acreage:

North: AW - 6 acre parcel contain a residence and out buildings. Residence located approximately 150 ft. from the subject winery.

South: AW - 60 acre vineyard property with rural residential.

East: AW - 5 acre rural residential property located on east side of State Highway 128

West: AW - portion of a 101 acre vineyard property with rural residential, and a 3.4 acre rural residential property which takes access from the private road on the northern portion of the subject site.

Wineries in the Vicinity:

Johnston Vineyards, 3500 Hwy 128 (20,000 gallons production/appointment only tasting)
Storybook Mountain Vineyard, 3835 Hwy 128 (15,000 gallons production/appointment only visitation)
Tom Eddy Winery, 3870 Hwy 128 (48,000 gallons approved-not producing yet/appointment only visitation)

Property History: The parcel has been in vineyard since the mid-late 1990's. Prior to that the parcel had not had any development and was in a natural state. The vineyard is known as Blossom Creek Farm vineyards.

Code Compliance History:

The County has no record of code compliance issues on this property.

Discussion:

1. Access - The project will utilize the existing private road access point to State Highway 128. The applicant's project engineer has prepared a traffic analysis (attached), which indicates a very modest amount of new traffic generation resulting from the project. The project plans and traffic analysis were referred to Caltrans for comment, but to date, no comments have been received. County Public Works Traffic Division staff have reviewed and provided comments on the application.
2. Variance Findings - Exhibit A, attached, contains an analysis of the mandatory findings for grant of a variance. In summary, Staff believes the variance request can be supported. The project has a somewhat unusual shape and contains rolling terrain. Existing vines are located on the eastern portion of the property, and a pond and native vegetation occupy the more heavily sloped western portion. The eastern property line fronts on State Highway 128 and the northern property line contains a private road. Winery setbacks from those roads leave only the southwestern portion of the site available for a winery should a variance not be granted, which is the portion of the site that is considerably more difficult to build on resulting in removal of native vegetation; removal of additional vineyards (beyond what is being removed in the proposed location); substantially more grading; possible encroachment on the riparian zone surrounding the existing pond; and moving the project closer to a defined stream.
3. Water Use - The County's ground water ordinance allocates 1.0 acre feet of water per year per acre to this property as it is considered to be part of the valley floor. Estimated ground water use for the existing 5.4 acre vineyard is 2.70 acre feet of water per year. The proposed winery will increase ground water use on the property to 3.14 acre feet of water per year, which is well below the 11 acre feet per year that the property is eligible to utilize under the ground water ordinance.
4. Winery Design - The winery building design will resemble a barn from Iowa and will use the siding from the barn as the exterior finish. Stone will be added to the lower portion of the building and be utilized on exposed foundation. Staff believe this design will compliment the existing setting and be in keeping to County General Plan policies concerning the design and attractiveness of wineries.
5. No Food Service - No commercial food preparation areas have been proposed as part of this project.

Consequently, food service for events will be catered. An employee kitchen is included in the project but has been conditioned so as not to be utilized for winery-related food service.

6. Neighboring Residence - On the adjoining property to north there is an existing residence which will be approximately 150 ft. from the proposed winery. Residences on other adjacent properties are not in close proximity to the facility. The nearby residence to the north is largely screened from view of the proposed winery by existing vegetation located on the north side of the private access road to the winery. Outdoor work areas will be located on the south and west elevations of the winery structure away from the residence.

7. Accessory to Production Ratio - As proposed, 39% of the enclosed project area will be dedicated to accessory space which is close to the maximum allowable ratio of 40%. Although the percentage of space dedicated to accessory use is comparatively high to other wineries evaluated by the Commission in recent years, Staff see no issues with this ratio for the following reasons: a) the ratio compliance with the ordinance standard; b) the amount of enclosed space for the winery is quite small when compared to other wineries with similar production capacity; and c) there is a substantial amount of covered, outdoor work area dedicated to wine production that is not technically included within the access-to-production ratio.

Consistency with Standards:

1. Zoning: The project is consistent with the AW zoning district which allows a winery with a use permit approval. (County Code Section 18.124.010)
2. Building/Fire: As proposed and conditioned this project complies with the building and FIRE codes.
3. Public Works: As conditioned the project will comply with the applicable standards and guidelines under the Department of Public Works discretion.
4. Environmental Management: As conditioned the project will comply with the applicable standards and guidelines under the Department of Environmental Management discretion.

SUPPORTING DOCUMENTS

- A . Findings
- B . Conditions of Approval
- C . Review Comments
- D . Application Material
- E . Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray