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Agenda Date: 9/16/2009

Agenda Placement: 9C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: KIRSTY SHELTON, PLANNER III - 707 253 4417

SUBJECT: Mansfield Winery Zoning Ordinance Text Amendment P09-0344 and Use Permit P09-00171

RECOMMENDATION

MANSFIELD WINERY / MANSFIELD RICHARD & LESLIE - ZONING ORDINANCE TEXT AMENDMENT P09-00344-ZOA AND USE PERMIT P09-00171-UP

CEQA Status: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, the project would have potentially significant environmental impacts within the areas of: Cultural Resources and Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

Request: **A)** Proposal to amend Section 18.104.245 of County Code to reduce the minimum required parcel size for reestablishment of historically significant, pre-prohibition wineries from 5 acres to 2 acres; and **B)** Upon adoption of the zoning ordinance amendment, approval of a Use Permit for: (1) a 20,000 gallon per year historic, pre-prohibition winery within an existing three story 13,034 sq. ft. structure and a 2,054 sq. ft. existing barn to be rehabilitated in accordance with historic standards; (2) construction of a new 600 sq. ft. mechanical building; installation of a new waste water treatment system; (3) demolition of approximately 7,500 sq. ft. of non-historic structures; (4) relocation of an existing residential septic system located on the subject property to the residential property located directly across Conn Valley Road (1291 Conn Valley Road, Assessor's Parcel Number 024-180-029); (5) improvement of the two existing driveways and construction of 11 new parking spaces; (6) one part-time and two full-time employees; (7) Tours and Tasting By Appointment Only for a maximum of 20 visitors per day (120 per week); and (8) a Marketing plan with five 36-person private food and wine events per year, twelve 12-guest dinners per year, one 150-person release party per year and participation in the Napa Valley Wine Auction. The project site is located on the east side of Conn Valley Road, approximately 1.5 miles south of its intersection with Howell Mountain Road, on a ± 2 acre site within an Agricultural Watershed (AW) Zoning District. Assessor's Parcel Number: 025-180-017, St. Helena.

Ordinance Title: *AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTION 18.104.245 OF TITLE 18 (ZONING) OF THE NAPA COUNTY CODE RELATING TO EXCEPTIONS FOR PRE-PROHIBITION WINERIES.*

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors.

Staff Contact: Kirsty Shelton, Planner, (707) 299-1377 kshelton@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission recommends Board of Supervisors adoption of the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, based on findings 1-5 of Exhibit A.
2. That the Planning Commission finds the proposed Ordinance consistent with the Napa County General Plan and zoning regulations based on finding 6 of Exhibit A.
3. That the Planning Commission recommends Board of Supervisors adoption of the proposed Ordinance
4. That the Planning Commission recommends the Board of Supervisors approve the Mansfield Winery Use Permit based on finding 8-13 of Exhibit A and subject to conditions of approval attached as Exhibit B.

Discussion:

The project consists of a request to establish a 20,000 gallon per year winery in a historic, pre-prohibition winery building on a 2 acre parcel in Conn Valley. Presently, the County's ordinance that allows the re-establishment of pre-prohibition wineries requires the project site to contain a minimum of 5 acres. Consequently, a draft Ordinance has been proposed by the applicant to amend the minimum parcel size for pre-prohibition wineries from 5 acres to 2 acres, but requires that any parcel under 5 acres be limited in capacity to what can be supported by the on-site water and septic systems.

Staff believe the current proposal has merit. In absence of amending the ordinance, the applicant would need to secure an additional 3 acres of land in order to re-establish the winery. The applicant has indicated that none of the adjoining property owners were willing to sell or somehow encumber property in order to assemble the required 5 acres. Staff believe the structures have historical significance, and their loss would negatively effect both Conn Valley and Napa County. Other than a winery, it appears that the only other likely creative reuse of the historic structures would be as a residence. Staff feel the structures, especially the historic winery, do not easily lend themselves to conversion to a single family residence. In addition, as a residence, they would not necessarily convey the historic winery use that once occurred there. Leaving the site in its current condition is not an option either, as both structures are decaying. It appears that returning the structures to winery use is the highest and best use of the land, assuming there is a willingness to amend the ordinance. Other than minimum lot size requirements, the requested Use Permit complies with all other winery requirements, including the requirements of County Code Section 18.10.245 - Exceptions to winery setback and minimum parcel size for pre-prohibition wineries.

Staff has concerns that reducing the minimum property size from 5 acres to 2 acres could result in additional applications for re-establishment of ghost wineries. However, it appears that there is not a large number of opportunities for such wineries should the change be implemented. A report prepared on behalf of the applicant indicates that there are no other previously documented historic wineries existing on properties under five acres in size. Staff is aware of at least two other small properties with past historic winery use that may qualify as ghost wineries, but they have not previously been documented. This change will enable at least the Mansfield site to be retained, and provide decision-makers future discretion for any other similar proposals that may come forward,

although staff believe the potential for such proposals is somewhat limited based on what is currently known about historic wineries.

The Zoning Ordinance Amendment and the Mansfield Use Permit is before the Planning Commission for a public hearing and recommendation to the Board of Supervisors for their final action. Staff requests that the Commission consider public input, review the merits of the draft ordinance and use permit, and vote to recommend either Board of Supervisors approval, approval with modifications, or denial of the draft ordinance and use permit. Staff is recommending approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Mitigated Negative Declaration has been prepared. According to the proposed Mitigated Negative Declaration, the project would have potentially significant environmental impacts in the areas of Geology and Soils and Cultural Resources. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5

BACKGROUND AND DISCUSSION

Owner & Applicant: Richard and Leslie Mansfield

Filed: April 22, 2009, deemed complete August 14, 2009

Current Zoning: AW - Agricultural Watershed

General Plan Designation: AWOS - Agriculture, Watershed, and Open Space

Parcel Size: +/- 2 acres

Building Size: A total of 15,088 sq. ft. of rehabilitated square feet of the two and three story 13,034 sq. ft. winery and one story 2,054 sq. ft. barn and 600 square feet of new construction (mechanical room).

Existing Land Use: Dilapidated barn and vacant historic winery

Production Capacity: 20,000 gallons per year

Visitation: A maximum of 20 visitors per day with no more than 120 persons per week with an average of 100 persons per week.

Marketing: Five 36-person private food and wine events per year, twelve 12-guest dinners per year, one 150-person release party per year and participation in the Napa Valley Wine Auction.

Number of Employees: Two full-time and one part-time employees Hours of Operation: 10:00 AM to 4:00 PM, six days a week

Parking: 11 parking spaces, including two ADA-accessible spaces; 2 loading areas

Nearby Wineries:

Seavey Vineyard and Winery

1310 Conn Valley Road

September 1, 1988 / 24,000 gal/yr / 12,085 sq. ft./Tours & Tasting by appointment with an average of 6 per week/No Marketing

Judd Hill Winery

647 Greenfield Road

October 2003 / 3,300 gal/yr / 2,650 sq ft / Tours and Tasting by appointment with an average of 2 per week/No Marketing

Adjacent Zoning/Land Use: The property is surrounded to the north, south, and east by a 143 acre parcel which is planted with vineyards and a winery known as Seavey Vineyards and Winery.

Across the street to the west is a 40 acre parcel containing a historic farmhouse residence that was once associated with the subject winery site. As a result of Conn Valley Road being a public right-of-way, the 2-acre winery property is on a separate property from the historic farmhouse. One option presented to the applicant concerning the minimum lot size issue was to have the proposed winery use permit span both properties resulting in a winery on two parcels totaling 42 acres. The applicant said the property owner of the farmhouse property was not willing to encumber the property as such.

All the adjacent properties and the parcel in question are within the AW - Agricultural Watershed Zoning district.

Property History: The small, 2-acre site is currently developed with a dilapidated two and three story 13,034 sq. ft. winery ruin constructed circa 1880. The structure has been determined eligible for the National Historic Register. A 7,500 single pitched/lean to addition was constructed for the industrial perlite production and will be demolished as part of the rehabilitation. A 2,054 sq. ft. typical barn structure also remains on the site, also dilapidated and will be renovated as part of the rehabilitation. The past historic uses of the property include the original Franco-Swiss Winery, operated by G. Crochat and company, which produced 100,000 gallons per year up until 1916. Thereafter the winery was abandoned and in 1934 the structure was converted to an industrial perlite plant until that business concluded in 1962. No other businesses have been conducted and since the cease of operations the structures have been neglected.

Discussion:

Zoning Ordinance Text Amendment

Chapter 18.136 of County Code outlines the procedure by which the Zoning Code and/or Zoning Map are to be amended. In short, the Planning Commission is required to hold a noticed public hearing on the proposed amendments. At the close of the hearing, the Commission votes to recommend either approval of, denial of, or modifications to the draft ordinance. Planning staff then reports the Planning Commission's recommendation to the Clerk of the Board and the ordinance is agendized for a hearing before the Board of Supervisors for their final action.

Mansfield Use Permit

Chapter 18.124.010 of County Code states that a use permit may be granted by the Commission, provided however that if the Board of Supervisors is the decision maker on any companion action which is necessary to

approve the use permit, the Commission shall make an advisory recommendation to the Board to approve or disapprove the entire action, and the board shall thereafter make the final decision on the entire action, including any determination to be made under the California Environmental Quality Act (CEQA).

Consistency with Standards:

General Plan

General Plan Policy Community Character(CC)-23 supports research into the county's history and requires protection of significant cultural resources from inadvertent damage during grading, excavation, and construction activities. General Plan Policy CC-24 promotes the County's historic and cultural resource as a means to enhance the County's identity as the nation's premier wine country and a top tourist destination recognizing that "heritage tourism" allows tourists to have an authentic experience and makes good business sense. Policy CC-26.5 requires a qualified historian to determine the eligibility (Naomi Miroglio, March 5, 2009) and an evaluation of the proposal by a qualified preservation architect (Juliana Inman, project statement dated July 2009). A winery is consistent with agriculture and meets the requirements in Agriculture/Land Use Policy (AG/LU)-20 which defines the land use of the designation of Agriculture, Watershed, and Open Space (AWOS) to be agriculture and the processing of agricultural products.

Zoning Consistency

A winery is considered accessory to agriculture and therefore consistent with the intention of the Section 18.20.030 - Uses permitted upon grant of a Use Permit within AW of the Zoning Code. Furthermore, Section 18.104.235- exceptions to winery setback requirements for historical buildings and sites allows for exceptions to the required road setback and Section 18.104.245 allows for exceptions to the minimum parcel size, setbacks, considering it meets the criteria for a pre-prohibition winery. A mitigation measure and has been included to construct in conformance with the Secretary of the Interior Standards and Guidelines for Historic Preservation Projects. Retention of historical elements is a condition of approval.

Building/Fire Code

A memo dated May 20, 2009 from the Napa County Fire Department has been incorporated into and made a condition of project approval, which ensures compliance with all applicable codes.

Public Works

Memos dated May 14, 2009 (groundwater) and August 6, 2009 (project conditions) are included conditions of project approval, which requires compliance with the Napa County Road and Street standards and all other applicable codes including Construction and Post Construction Stormwater requirements.

Environmental Management

Refer to memo dated August 17, 2009 from Napa County Environmental Management, which requires compliance for the commercial kitchen, replacement of existing septic for the residence across the street, and all other applicable codes and related laws.

SUPPORTING DOCUMENTS

- A . Proposed Ordinance Amendment
- B . Exhibit A - Required Findings
- C . Exhibit B - Draft Conditions of Approval
- D . Environmental Management Comments
- E . Public Works Comments

F . Fire Department Comments
G . Mitigated Negative Declaration
H . Project Revision Statement
I . Traffic Study
J . Use Permit Application
K . Zoning Ordinance Text Amendment Application
L . Application Letter
M . Project Statement
N . Greenhouse Gas Emission Reduction Spreadsheet
O . Historic Eligibility Letter
P . Wastewater Feasibility Study
Q . Water Availability Analysis
R . Historic report
S . Neighbor Letter
T . Napa County Landmarks Letter
U . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell