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Agenda Date: 9/5/2012

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for Hillary Gitelman - Director
Planning, Building and Environmental Services
REPORT BY: LINDA STCLAIRE, PLANNER III - 707.299.1348
SUBJECT: 15 Chateau Lane Winery Use Permit

RECOMMENDATION

JOSEPH & MONICA PIERRET / 15 CHATEAU LANE WINERY USE PERMIT APPLICATION NO. P12-00158

CEQA Status: A Negative Declaration was prepared. According to the proposed Negative Declaration, the project would not have potentially significant effects on the environment. 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 establish a new 20,000 gallon per year winery with the following: 1) utilize a 1,728 square foot existing barn; 2) construct a 10,000 square foot winery cave; 3) construct 1,100 square foot covered crushpad totaling 12,828 square feet; 4) employ three full-time and one part-time employees; 5) conduct hours of operation - 7:00 AM-6:00 PM, seven days per week, tours and tastings hours as 10 AM-4 PM; 6) nine parking spaces; 7) tours and tastings by appointment only, a maximum of four people per day Monday through Friday and eight people per day Saturday and Sunday for a maximum of 36 people per week; 8) a marketing plan that includes twelve events per year with a maximum of 25 persons per event and two events per year for a maximum of 80 persons per event. Catered food will be included; and, 9) installation of a new septic system and wastewater process system.

The 12.33 acre project site is located at the intersection of Second Avenue and Rapp Lane, bordered on the north by Chateau Lane within a AW (Agricultural Watershed) zoning district. (Assessor's Parcel No. 052-170-020). 15 Chateau Lane, Napa.

Staff Recommendation: Approve the Negative Declaration and approve the Use Permit as conditioned.

Staff Contact: Linda St. Claire (707) 299-1348, linda.stclaire@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration based on Findings 1-5 of Exhibit A; and
2. Approve Use Permit P12-00158 based on Findings 6-10 of Exhibit A and subject to the recommended conditions of approval of Exhibit B.

Discussion:

The project consists of construction a new 20,000 gallon per year winery with a 10,000 square foot cave, an 1,100 square foot covered crushpad and utilizing an existing 1,728 square foot barn for agricultural storage for a total of 11,100 square feet. The barn will contain winery storage and maintenance, and the the winery activities will occur inside the cave. The project also includes adding tours and tastings by appointment only, a marketing plan, nine parking spaces, three full-time and one part-time employees, catered food and the installation of a new septic system and wastewater process system. A winery Use Permit was granted (#03526-UP) to the previous property owner in 2004 and it subsequently expired because no action was taken to construct the winery. The current proposal is less intensive. Staff has no objections to the request and finds the project consistent with the Winery Definition Ordinance and other applicable provisions of the Zoning Ordinance and General Plan, subject to standard conditions.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration prepared. According to the Negative Declaration the proposed project would not have any significant effects. 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: Joseph & Monica Pierret

Applicant: Joseph Pierret, (408) 206-1624

Representative: Hugh Linn, Riechers Spence Associates (707) 252-3301

Zoning: AW (Agricultural Watershed)

General Plan Designation: AWOS (Agriculture, Watershed and Open Space)

Filed: May 10, 2012 **Determined Complete:** July 16, 2012

Parcel Size: 12.33 acres

Production Capacity: 20,000 gallons per year.

Existing Building Size: One building 1,728 square feet. Upon clarification with new property owner, barn will be used for agricultural storage only and not included as part of the winery.

Proposed Building Size: A 10,000 square foot cave and 1,100 square foot covered crushpad on an existing disturbed area.

Total Square Footage: 11,100 square feet.

Accessory to Production Ratio: 4% (Maximum allowed 40%)

Hours of Operation: 7a.m. - 6p.m., seven days per week. 10a.m. - 4p.m. for Tours and Tastings.

Employees: Proposed: Three full-time and one part-time.

Visitation:

Tours and Tastings: By appointment only, four persons per day Monday through Friday, eight persons Saturday and Sunday for a maximum of 36 persons per week.

Marketing: Twelve events per year for a maximum of 25 persons. Two events per year for a maximum of 80 persons.

Winery Coverage:

Proposed: 19,958 square feet - 4% (maximum allowed 25% or 15 acres, whichever is less).

Winery Development Area:

Proposed: 10,694 square feet or 2%.

Parking:

Proposed Total Parking: nine spaces.

Adjacent Zoning / Land Use:

North AW - Agricultural Watershed- a 11.37 acre parcel - vineyard and single family residence (D'Ambrosio).

South AW - Agricultural Watershed- a 15.09 acre parcel - single family residence (Brashear).

East AW - Agricultural Watershed- a 10 acre parcel, a 20 acre parcel, and a 14.45 acre parcel - vineyard (Richardson, Lucchesi).

West AW - Agricultural Watershed- a 10.29 acre parcel - vineyard and single family residence (Thompson).

Nearby Wineries: (within 1 mile)

Frazier Winery, 40 Lupine Hill Rd.	Producing 50,000 gallons per year, Visitation - by appointment.
Sodaro Winery, 20 Blue Oak Ln.	Producing 20,000 gallons per year, Visitation - by appointment.
Tulocay Winery, 1426 Coombsville Rd.	Producing 20,000 gallons per year, Visitation - by appointment.
Alta Vineyard Cellar, 1311 Schramsberg Rd.	Producing 5,000 gallons per year, Visitation - by appointment.
Griggs Winery, 1020 Third Ave.	Producing 20,000 gallons per year, Visitation - by appointment.
Whitford Cellars, 4047 East Third Ave.	Producing 20,000 per year, Visitation - none.

Comparison Wineries:

Winery	Address	Square Footage	Production	Visitation	Marketing
Del Dotto Winery (MST)	1019 Atlas Peak Rd	9,786	20,000	50	10/yr 50 persons

Frazier Winery (MST)	40 Lupine Hill Rd	30,700	50,000	50	24/yr 60 persons
Farella Park Vineyards (MST)	2224 N. Third Ave	5,050	12,500	4	1/yr 50 persons
White Cottage Ranch Winery	555 College Ave	12,017	20,000	40	12/yr 25 persons
William Cole Winery	2849 N. St. Helena Hwy	9,400	20,000	10	7/yr less than 25 1/yr less than 75

Property History:

Napoleon Awad constructed the existing residence on the parcel in 1978 and the existing barn was constructed in approximately 1980. Ian and Gale Leech purchased the property and applied for a Vineyard Conversion in 2001. John and Vera Marshall later purchased the property and were issued a Groundwater permit in June, 2002. They obtained an erosion control plan and planted additional vineyard in 2003. In 2004 they applied for and subsequently were approved for a 20,000 gallon per year winery with tours and tastings by appointment only. The winery was not established, the cave was not built, and the approved septic system was not installed. Use permits are given a two year time limit from the date of approval to "use" that approval. In accordance with Napa County Code Section 18.124.080, the use permit expired in March 2007. The current owners purchased the property in June 2007.

May 2012

Joseph and Monica Pierret applied for a new winery use permit. The proposal is nearly identical to the original proposal. The only changes include a reduction in the number of daily visitors and the addition of a covered crushpad. The original use permit contained a condition from Public Works and Cal Fire to widen the access road to winery standards, which has been continued as a condition for this proposal. The applicant has proposed to widen Chateau Lane to the winery entrance.

Code Compliance History: There are no current code compliance issues on the parcel.

Discussion Points:

1. The site is located in the MST (Milliken-Sarco-Tulocay) water deficient area. The Napa County Board of Supervisors passed a Groundwater Ordinance in 1999 thus setting the "fair share" standard for water in the MST of 0.3 acre feet per acre and specifying the threshold of significance, in accordance with CEQA, for water usage in the MST. A Groundwater permit was issued to the site in 2002 allowing 2.8 acre feet of water per year and they are required to show a "no net increase" in water usage to meet the threshold of significance. To meet the no net increase requirement, the applicant has proposed to reduce use of well water from 1.88 acre feet to 1.45 acre feet, thus leaving a 0.43 acre feet remaining to serve the winery. They have proposed to install a storage tank to store winery waste water which will be used for irrigation. They have also installed a meter on the well and will continue to record their well readings once a month and are required to report the reading to Planning, Building and Environmental Services every six months. The current owners have reported their well readings since 2007 and have not gone over the approved allowance. The Department of Public Works has also required the use of best available technology and best management water conservation practices, which include using water efficient appliances and fixtures in the proposed winery, existing residence, and xeriscape landscaping. With the use of winery wastewater, well metering, and best management conservation practices the threshold of significance has been met resulting in a "no net increase" in water usage, therefore ensuring a less than significant environmental effect.

2. Circulation - The applicant has proposed direct delivery and visitor traffic along routes that avoid passing Mt. George Elementary School at the corner of Second Avenue and Coombsville Road. Traffic would access the winery from North Avenue via First Avenue rather than Second Avenue. When a customer calls for an appointment they will be given directions.

3. Greenhouse Gas - As indicated in the Negative Declaration, Napa County requires applicants to consider methods to reduce GreenHouse Gas Emissions consistent with General Plan Policy CON-65(e). The County's Draft Climate Action Plan would require discretionary projects to reduce their GreenHouse Gas Emissions to 38% below "business as usual" volumes as of 2020 through a combination of State, local, and project specific programs and policies. Because the Draft plan has not yet been formally adopted, it cannot be considered a formal threshold of significance for CEQA purposes. Nonetheless, the project was analyzed for consistency with the Draft Climate Action Plan (refer to Attachment F). Given the proposed reduction measures incorporated into the project, the applicant would be able to reduce emissions by 38%. The "business as usual" emissions were calculated by Planning staff using CalEEMod GHG modeling software, resulting in modeled annual emissions of 89 metric tons of carbon dioxide equivalents (MT CO₂e). The application of the CalGreen Building Code, tightened vehicle fuel efficiency standards and more project specific on-site programs, e.g. solar panels, would combine to reduce emissions below the "business as usual" level, and make it feasible to meet the proposed 38%.

4. Setbacks - Typically, winery setbacks from private roads are 300 feet. In accordance with Napa County Code Section 18.104.230 "underground" portions of caves are not subject to the winery or yard setback requirements. Cave portals and crushpads shall be required to meet the setback if visible from the applicable road. The existing barn and trees along Chateau Lane and the site prevents the visibility of the cave portal and crushpad. Therefore, the setback requirement does not apply to this proposal.

Consistency with Standards:

Zoning - The project is consistent with AW (Agricultural Watershed) District regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in the AW (Agricultural Watershed) District with an approved use permit. The project as conditioned complies with the Napa County Winery Definition Ordinance and all other requirements of the Zoning Code as applicable.

Agency Requirements - The Public Works Department, Assistant County Fire Marshall, Engineering Services and Environmental Health Divisions recommend approval with conditions (refer to Attachment D).

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Proposed Conditions of Approval
- C . Original Use Permit - Marshall Vineyard and Cellars Staff Report 03526-UP
- D . Groundwater Permit
- E . Department Comments
- F . Negative Declaration/Initial Study
- G . Greenhouse Gas Summary
- H . Application
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell