



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 6/30/2021

Agenda Placement: 2A

Zoning Administrator Board Agenda Letter

TO: Zoning Administrator
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Jason Hade, Principal Planner - (707) 259-8757
SUBJECT: White Rock Vineyards Use Permit P20-00142

RECOMMENDATION

JEEP SHED LLC DBA WHITE ROCK WINERY / WHITE ROCK VINEYARD / USE PERMIT # P20-00142

CEQA Status: Consideration and possible adoption of Categorical Exemptions Class 1 and 3. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities and 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 §15301 and §15303.] This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Grant a Use Permit for a small winery established under a Small Winery Use Permit Exemption approved on March 30, 1987 for an existing 20,000 gallon per year winery to allow the following: **A. Components Necessary to Remedy Existing Violations:** (1) Recognition of existing visitation of a maximum of 19 visitors per day, Monday through Sunday; maximum 133 visitors per week; (2) Recognition of existing visitation hours of operation; 10:00 AM to 5:00 PM seven days a week and existing production hours of operation; 7:00 AM to 6:00 PM seven days a week; and (3) Recognition of existing four (4) full time employees. **B. Expansion Beyond Existing Entitlements:** (1) Food and wine pairings are proposed with the existing visitation requested for recognition; (2) A marketing program with 10 events per year with a maximum of 30 guests for each event and one event per year with a maximum of 75 guests (all marketing events would be catered); (3) Use of the existing cave for guided tours only (Type II); (4) Replacement of the existing temporary structure with an approximately 575 square foot tasting room; (5) On-premises consumption of wines produced on site in the tasting areas (indoor and outdoor) in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (6) Use of three outdoor satellite tasting areas; (7) Installation of a 5,000 gallon water tank and new well; and (8) Upgrading the existing process wastewater treatment system to a package treatment system plant and continue use of the existing leach field to continue to process the domestic wastewater. The project is located on an approximately 15-acre site within the AW (Agricultural Watershed) zoning district with a General Plan land use designation of AWOS (Agriculture, Watershed & Open Space) at 1112 Loma Vista Drive, Napa, CA; APN: 039-680-004.

Staff Recommendation: Find the project Categorically Exempt and approve the Use Permit, as conditioned.

Staff Contact: Jason R. Hade, Principal Planner, (707) 259-8757 or jason.hade@countyofnapa.org

Applicant Contact: Kirsty Shelton, Palisades Land Use, 101 South Coombs Street, Napa, CA 94559, (707) 265-6510 or ks@palisadeslanduse.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Zoning Administrator:

1. Find the project Categorically Exempt based on recommended Findings 1-3 in Attachment A; and
2. Approve Use Permit P20-00142 based on recommended Findings 4-8 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. The proposal is to grant a Use Permit for a small winery established under a Small Winery Exemption Permit to recognize a maximum of 19 visitors per day, Monday through Sunday; maximum 133 visitors per week, existing visitation hours of operation; 10:00 AM to 5:00 PM seven days a week and existing production hours of operation; 7:00 AM to 6:00 PM seven days a week, and four existing full-time employees which were not approved as part of the Small Winery Exemption permit issued on March 30, 1987.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing conditions and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Use Permit Application requests recognition of existing visitation, hours of operation and employees. Although not initially permitted under the Small Winery Exemption permit, these activities are already occurring at the subject site.

As described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018, the subject application was found to be substantially conforming under 1.b which outlines the status determination process. Accordingly, the County may use the winery's existing operations as the environmental baseline for the CEQA analysis related to this application. Staff is supportive of the request based upon the determination that the application meets the criteria for eligibility as a Class 1 and Class 3 Categorical Exemption from CEQA and meets all of the qualifications identified in Section 18.10.020 (10) of the County Code.

The winery has already implemented the following GHG reduction methods: generation of on-site renewable energy; planting of additional trees; use of alternative fuel and electrical vehicles in fleet; composting of 75 percent food and garden material; planting of shade trees within 40 feet of the south side of the building elevation; limiting the amount of grading and tree removal; Napa Green Land program certification; local food production; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retaining biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. The following additional GHG reduction measures are proposed: exceedance of Title 24 energy efficiency standards;

implementation of a Vehicle Miles Traveled (VMT) reduction plan; installation of energy conserving lighting; installation of water efficient fixtures; recycling of 75 percent of all waste; implementation of a sustainable purchasing and shipping program; installation of an electrical vehicle charging station; use of the existing cave to optimize conditions for natural heating, cooling, and day lighting of interior spaces; certification as a Napa Green Winery and Napa Green Land; and use of recycled materials.

Based on the reasons stated above, staff recommends approval of the project (the components necessary to remedy existing violations and the requested expansions beyond the existing entitlements), subject to the recommended conditions of approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions Class 1 and 3. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities and 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 §15301 and §15303.] This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Jeep Shed, LLC dba White Rock Winery, 1115 Loma Vista Drive, Napa, CA 94558; (707) 337-4667

Representative: Kirsty Shelton, Palisades Land Use, 101 South Coombs Street, Napa, CA 94559, (707) 265-6510 or ks@palisadeslanduse.com

Zoning: Agricultural Watershed (AW) - District

GP Designation: Agriculture, Watershed, & Open Space (AWOS) designation

Filed: June 3, 2020 **Resubmittal Received:** September 22, 2020; and December 23, 2020; **Deemed Complete:** January 22, 2021

New Project Submittal Courtesy Notice Sent: January 8, 2021

Parcel Size: 15 acres

Existing Development: Development on the property includes: a temporary winery building; cave; a waste disposal system; four parking spaces; a well; and vineyards. Access to the property is from Loma Vista Drive via a paved driveway. The nearest residence to the winery is approximately 1,065 feet to the northwest. A blue line stream runs to the south of the property and two extrapolated channel network streams are present in the southern area of the

subject site.

Proposed and Existing Winery Characteristics

Winery Development Area - Approved: 410 square foot winery development area with uses identified above.

Winery Development Area - Proposed: 625 square feet.

Production Capacity Approved: 20,000 gallons per year. Actual maximum annual production was 17,000 gallons in 2019.

Production Capacity Proposed: No change.

Winery Coverage Existing: 16,515 square feet or approximately 2.5%.

Winery Coverage Proposed: No change.

Accessory/Production Ratio Approved: 550 square feet accessory/7,090 square feet production - approximately 8%.

Accessory/Production Ratio Proposed: 875 square feet accessory/7,090 square feet production - approximately 12%.

Number of Employees Approved: One full-time and two part-time employees.

Number of Employees Existing: Four full-time employees.

Number of Employees Proposed: Recognition of existing conditions.

Visitation - Approved: None.

Visitation - Existing: 20 visitors per day Monday through Friday and 25 visitors per day Saturdays and Sundays by appointment and 150 visitors maximum per week.

Visitation - Proposed: Recognition of existing conditions.

Marketing Program - Approved: None

Marketing Program - Proposed: 10 events per year (30 guests per event) and one event per year (100 guests). All events would be catered.

Days and Hours of Operation - Approved: 8:00 AM to 6:00 PM five days a week.

Days and Hours of Operation - Existing: 7:00 AM to 6:00 PM daily (production hours) and 10:00 AM to 5:00 PM daily (visitation hours).

Days and Hours of Operation - Proposed: Recognition of existing conditions.

Parking - Approved: 4 parking spaces.

Parking - Proposed: No change.

Setbacks:

Required Road setbacks – 300 feet from the centerline of Loma Vista Drive.

Required Property line setbacks - 20 feet side and rear yard setbacks (for structures).

Existing Setbacks - The existing temporary trailer to be replaced by the proposed winery building is located approximately 346 feet from the centerline of Loma Vista Drive, 161 feet from the rear property line, 254 feet from the eastern side property line, and approximately 950 feet from the western side property line.

Proposed Setbacks - No change.

Adjacent General Plan Designation/ Zoning / Land Use:

North: Agriculture, Watershed, & Open Space (AWOS) General Plan land use designation/Agricultural Watershed (AW) zoning district/rural residential

South: AWOS/AW/vineyards and rural residential

East: AWOS/AW/undeveloped

West: AWOS/AW/vineyards and rural residential

Nearby Wineries: (located within 1 mile of the project)

Please refer to Attachment I.

Parcel History:

A Small Winery Use Permit Exemption was approved for the subject site on March 30, 1987, permitting a maximum production capacity of 20,000 gallons per year, a cave of approximately 3,000 square feet, one full-time and two-part time employees, hours of operation of 8:00 am to 6:00 pm five days a week, and four parking spaces. Visitation was limited to retail sales with no public tours or tastings permitted. The project scope identified above was subsequently confirmed via a Status Determination (P19-00159) submitted on March 29, 2019 and issued on July 2, 2019 (Attachment C), which qualified this project under the County's Code Compliance Program.

Code Compliance History:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164. Pursuant to that Resolution, a site inspection was conducted by Code Compliance, Planning, Engineering and Fire staff on October 20, 2019, to identify any potential health and safety issues, as well as to review the existing use and proposed changes. Code Enforcement Case CE19-00996 was opened for the alleged violations outside the scope of the Use Permit, but would be resolved by approval of this Use Permit request. All items identified at the initial site inspection have been addressed as confirmed via a follow-up life safety inspection which was conducted by the Fire Department on October 28, 2020.

Discussion Points:

Setting - Access to the 15-acre property is from Loma Vista Drive via a paved driveway. The nearest residence to the winery is approximately 1,065 feet to the northwest. A blue line stream runs to the south of the property and two extrapolated channel network streams are present in the southern area of the subject site.

Winery Proposal - The request is to grant a Use Permit for a small winery previously established under a Small Winery Exemption Permit to recognize a maximum of 19 visitors per day, Monday through Sunday; maximum 133 visitors per week, existing visitation hours of operation; 10:00 AM to 5:00 PM seven days a week and existing production hours of operation; 7:00 AM to 6:00 PM seven days a week, and four existing full-time employees which were not approved as part of the Small Winery Exemption permit issued on March 30, 1987.

Under County Code Section 18.10.020.10, following a public hearing noticed in accordance with [Section 18.136.040](#), the Zoning Administrator can approve use permits for small wineries as defined by [Section 18.08.600](#) of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:

a. Has an annual maximum of 20,000 gallons or less of wine production; *The existing winery is permitted a maximum of 20,000 gallons per year with no changes proposed.*

b. Generates no more than forty Average Daily Trips (ADT) (twenty daily round trips) by tasting room visitors, all

winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds forty ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Fire Safe Regulations, or adopted left-turn lane warrants required for all projects; *The Engineering Division reviewed the proposal and confirmed that it would not generate more than 40 ADT.*

c. Has a maximum of ten thousand square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads; *Total occupied space including the existing cave and proposed tasting room is approximately 7,965 square feet.*

d. Conducts a maximum of eleven marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed twenty-four ADT (twelve daily round trips,) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed forty ADT (twenty daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed forty ADT; and *The proposed marketing program is consistent with these parameters.*

e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting room visitation, or marketing events shall be considered within two years after approval.

Visitation/Marketing Program - Components Necessary to Remedy Existing Violations: The existing visitation requested for recognition slightly exceeds the average and median calculations of similar production capacity by appointment wineries. However, Staff is supportive of the request based upon the determination that the application meets the criteria for eligibility as a Class 1 and Class 3 Categorical Exemption from CEQA and meets all of the qualifications identified in Section 18.10.020 (10) of the County Code. **Expansion Beyond Existing Entitlements and Conditions:** No intensification of the visitation is proposed except the recognition of existing conditions. A marketing program consisting of 10 events per year (30 guests per event) and one event per year (75 guests) is proposed and is consistent with the qualifying criteria outlined in Section 18.10.020.10.d of the County Code. Staff recommends project specific conditions of approval requiring shuttle service for the 75 guest event and that on days when marketing events with 75 visitors are occurring, no tours and tastings shall occur during the time in which the events are held.

Food Service - Food service for all events would be provided by licensed caterers. Wine and food pairings are requested, but food service would not be the predominant use at the marketing events. All marketing events would be required to conform to Condition of Approval No. 4.3 which addresses food service as it relates to the marketing of wine.

Groundwater Availability - Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. The project is categorized as "all other areas" based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. A Tier 2 analysis was completed by Condor Earth on December 22, 2020, which included a parcel specific recharge evaluation. The project recharge area also includes a neighboring vineyard parcel under the same ownership as the winery parcel. According to the recharge evaluation, groundwater recharge within the project recharge area is estimated to be 5.0 AF/YR in an average year and 2.1 AF/YR during drought conditions (Condor Earth, 2020). The project site currently includes one well and a new well is proposed as part of this project. According to the *Water Availability Analysis White Rock Vineyards 1112 Loma Vista Drive Napa County APNs 039-680-004* prepared by Condor Earth in December 2020 (Attachment F), the anticipated total overall water demand for the project site would be 0.58 AF/YR. In summary, the existing yield would be sufficient to serve all uses on the property. Any project which reduces water usage or any water usage

which is at or below the established threshold is assumed not to have a significant effect on groundwater levels.

Wastewater - According to the Onsite Wastewater Disposal Feasibility Study for the White Rock Vineyards Winery Use Permit Application 1115 Loma Vista Drive, Napa, California APN 039-680-004 prepared by Applied Civil Engineering on May 6, 2021 (Attachment G), the project site and proposed system would have adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Greenhouse Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment E. As discussed above, the winery has already implemented the following GHG reduction methods: generation of on-site renewable energy; planting of additional trees; use of alternative fuel and electrical vehicles in fleet; composting of 75 percent food and garden material; planting of shade trees within 40 feet of the south side of the building elevation; limiting the amount of grading and tree removal; Napa Green Land program certification; local food production; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retaining biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. The following additional GHG reduction measures are proposed: exceedance of Title 24 energy efficiency standards; implementation of a Vehicle Miles Traveled (VMT) reduction plan; installation of energy conserving lighting; installation of water efficient fixtures; recycling of 75 percent of all waste; implementation of a sustainable purchasing and shipping program; installation of an electrical vehicle charging station; use of the existing cave to optimize conditions for natural heating, cooling, and day lighting of interior spaces; certification as a Napa Green Winery and Napa Green Land; and use of recycled materials.

Public Comments - At the time of staff report preparation, no public comments had been received.

Pursuant to BOS Resolution No. 2018-164, (Staff has provided separate decision-making options for the components of the project necessary to remedy existing violations and the new expansions beyond existing entitlements.

Decision Making Options Regarding Remediating Existing Violations:

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing employees and visitation at the winery. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, staff recommends recognition of the existing employees, visitation and hours of operation based upon the determination that the application meets the criteria for eligibility as a Class 1 and Class 3 Categorical Exemption from CEQA and meets all of the qualifications identified in Section 18.10.020 (10) of the County Code as detailed above. Sufficient access is available to serve the site as well as the availability of adequate water supplies.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be categorically exempt.

Option 2 - Reduced Employee and/or Visitation Alternative

Disposition - This option would require that the applicant reduce their number of existing employees and/or existing maximum visitation numbers. As noted above, the existing visitation requested for recognition is slightly above the average and median calculations of similar production capacity by appointment wineries. Staff recommends no changes to the existing employees and visitation. All potential environmental impacts were found to be categorically exempt.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the number of existing employees and/or visitation and required conditions of approval. The item may need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

Disposition - In the event the Zoning Administrator determines that the project does not, or cannot meet the required findings for the granting of a Use Permit, the Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required - Zoning Administrator would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Zoning Administrator on a specific date.

Option 4 - Continuance Option

The Zoning Administrator may continue an item to a future hearing date at its own discretion.

Decision Making Options Regarding Expansions Beyond Existing Entitlements:

Staff recommends approval of the applicant's proposal as described in Option 1 below.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including a marketing program, new tasting room, and use of three outdoor satellite tasting areas. Staff recommends this option as many of the changes requested such as the marketing program and new tasting room are operational modifications to support the future growth of the winery and would result in limited physical changes at the subject site.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be categorically exempt.

Option 2 - Reduced Marketing Program Alternative

Disposition - This option would require that the applicant reduce the intensity of their proposed marketing program. As noted above, the proposed marketing program is consistent with the marketing events permitted under County Code Section 18.10.020.10.d . Staff recommends no changes to the proposed marketing program. All potential environmental impacts were found to be categorically exempt.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require a reduction in the intensity of the proposed marketing program. If major revisions of the conditions of approval are required, the item may need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Zoning Administrator determines that the project does not, or cannot meet the required findings for the granting of a Use Permit, the Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required - Zoning Administrator would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Zoning Administrator on a specific date.

Option 4 - Continuance Option

The Zoning Administrator may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Project Conditions
- D . Categorical Exemptions Memorandum
- E . Use Permit Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Graphics
- I . Winery Comparison Analysis

Zoning Administrator: Approve

Reviewed By: Charlene Gallina