

PROJECT STATEMENT  
FOR A  
WINERY USE PERMIT FOR  
MOUNTAIN PEAK VINEYARDS LLC

REVISED AS OF MARCH 15, 2016

3265 Soda Canyon Road, Napa, CA 94558  
APN 032-500-033

This revised project statement describes a new 100,000-gallon per year LEED Platinum-designed production winery proposed for a 41.76-acre parcel. The owner/applicant for this project either owns or leases (on neighboring parcels) 92 percent of the overall grape source for the proposed production level. The winery consists of 33,424 square feet of wine caves, which is approximately half the size of the originally proposed wine cave. As designed, the wine cave represents approximately 88 percent of the overall winery use proposed for this site.

An application was originally filed with the County in October of 2013. Since that time, the applicant has been working to answer questions posed by County planners, address concerns expressed by neighbors to the winery parcel, and revise and update technical reports such as traffic, water use, hydrology and they have prepared a noise assessment that is submitted with this revised application.

Redesign of the winery has eliminated three of the earlier proposed variances that were part of the original application. The first variance was associated with the shared easement road; the second was associated with an at-grade accessory use structure; and the third was related to the tasting room and winery offices structure that replaces the existing residence. The revised application proposes constructing only one at-grade structure, a 8,046-sq. ft. building which contains a tasting room, winery administrative offices, a commercial kitchen, and other accessory space.

In response to extensive neighborhood meetings started soon after application submittal, and in consideration of their concerns, the applicant revised the project so that no winery traffic will utilize the easement serving residential neighbors (even though the applicant is the owner of the land underlying this easement. Removal of the easement as the entry to the winery also means that the original road exception request is no longer needed for that purpose and location. The winery entry was designed to another location. The proposed plans and the tasting room/offices structure has been moved outside the 300-ft. WDO setback; therefore, causing the withdrawal of the third variance request.

When the application was originally filed, the owner/applicant proposed an agreement with neighbors which represented compromise on all but one concern expressed by the neighbors in several meetings that were held to discuss the project. That agreement is contained at the conclusion of this revised project statement. The one outstanding request

made by the neighbors, which the applicant did not agree to, was a significant downsizing of the project. Since the applicant owns two organically-farmed vineyards of 112 planted acres, with the second one only one-half mile up the road, they will meet 92 percent of the overall proposed production level of 100,000 gallons per year. Therefore, it did not make sense to design a winery that was capable of processing only a small percentage of that production. However, the applicant has downsized the wine cave by almost one-half its original size and has removed one of the two accessory structures originally proposed. Also removed were all but two of the outdoor tasting areas and those are located near the accessory structure and the wine cave, rather than sited in an outlying location on the site.

Winery Development Area: 26,572 sq. ft. or 1.5 percent of the parcel

Winery Coverage: 55,082 sq. ft. in Phase One and 103,016 sq. ft. in Phase Two

Associated winery coverage is 1.5 acres (5.7%)

The production size of the winery is 36,869 sq. ft. in Phase One and 37,704 sq. ft. in Phase Two.

Accessory use in the winery is 4,484 sq. ft. or 12.2% Production-to-Accessory in Phase One, and 13,610 sq. ft. or 36.1% Production-to-Accessory in Phase Two.

The revised project proposes a total of 33,424 sq. ft. of wine caves; 8,729 sq. ft. of covered crush pad area (decreased from original proposal); and 1,095 sq. ft. of uncovered outdoor work area (no change from original proposal).

The winery improvements envisioned for the property also include various infrastructure and mechanical structures: winery access roads and parking areas (26 spaces, 2 spaces fewer than in the original proposal, including two ADA-accessible spaces); two water storage tanks of 100,000 gallons each (one of these an underground cistern with a 80,000-gallon capacity); and a 20,000-gallon domestic water tank; emergency fire protection turnaround areas; a LYVE System process wastewater treatment facility and sanitary wastewater treatment facilities. There is an existing approximately 1,200-sq. ft. building that is an approved viticulture office and agricultural storage building that will continue in that capacity and is not part of the proposed winery uses. This space was previously used by Stagecoach Vineyards, but the business has since left. There is also an agricultural storage building existing on the site.

The landscape concept for this winery includes naturalist gardens which preserve a number of heritage oak trees and which offer superb views of vineyards and mountains as backdrop. The landscape concept includes two outdoor open landscape features that can accommodate some of the wine tastings and smaller marketing events on days when the weather permits. These two landscape features are in proximity to the wine cave and accessory building and visitors to the winery can stroll through the gardens en route to them. They will be open air with permeable surfaces, simple framed without permanent

walls or roofs, with just sliding sailcloth to provide shade from sun or cover from rain. They will include some comfort features for winery visitors, such as a wine tasting bar setup to accommodate glasses, decanters, water and associated tasting items.

Actions requested in this winery use permit include the following:

- (1) Approval of a use permit for the winery development improvements described, including a Winery Marketing Plan (see subsequent section of this narrative);
- (2) Recognition of a Phasing Plan for the winery construction, with the wine cave and a tasting room located therein for Phase One; and Phase Two to include the construction of an at-grade winery accessory structure to accommodate wine tasting rooms, winery administrative offices, and a commercial kitchen. This will allow the winery to obtain a final occupancy permit for its production and accessory activities prior to completion of the overall project construction.

#### Project Setting and Surrounding Land Uses

The subject parcel is 41.76 acres in size, located on a County maintained road, Soda Canyon Road, which extends eastward from the Silverado Trail just north of the City of Napa. The parcel contains approximately 28 acres of vineyards (Tract II Plan), a large residence that will be removed for siting of the winery, and two agricultural buildings. The most notable of the agricultural buildings is an approved viticulture offices that has served as the center for agricultural interests for Stagecoach Vineyards (Dr. Jan Krupp and Mr. Bart Krupp, former owners). The viticulture offices building will continue in its present capacity and is not proposed to include winery uses at this time.

The property is characterized by rolling hills and vineyards, with a cleared area near Soda Canyon Road for the residence and surrounding landscaping. This property is located within the Rector Reservoir Municipal Watershed Area, and so is subject to the County's 60/40 Percent Rule, which stipulates that no more than 40 percent of the overall parcel may be cleared of tree canopy and/or native shrubs and grasses, based on 1993 aerial mapping of the area. This property has reached that threshold; therefore, existing cleared areas associated with the previous owner's residence became the basis for the overall winery "footprint." The existing residence will be replaced by the proposed winery development.

The area along Soda Canyon Road is generally characterized as vineyard property, with several wineries of varying sizes, some grazing lands, a school near the base of the road, and a number of single-family rural residences. Soda Canyon Road is a County-maintained road up to almost the point where it terminates near the primary entry for the proposed winery.

There are a number of wineries of varying sizes along Soda Canyon Road and the Silverado Trail. Among those are: William Hill Estate, Darioush, Hagafen, Van Der Heyden, Reynolds Family, Soda Canyon Caves, Relic Winery, and Black Stallion Winery.

Napa County Geographic Information Systems (GIS) Data

A review of the County's GIS data base for this parcel yields the following as an environmental setting and constraints inventory.

**Alquist Priolo Faults:** None found.

**Archaeology:** No archaeological sites or cultural resources found.

**CalVeg:** NX-Mixed hardwoods.

**WalWater Watershed:** HR: San Francisco Bay  
HU: San Pablo  
HA: Napa River  
HSA: Napa River  
SPW: Lower Napa River  
PW: Rector Reservation \*

- Subject property is within the Rector Municipal Watershed; therefore, Napa County's 60/40 Percent Rule for maximum cleared area applies.

**Faults:** No faults found.

**FEMA Flood Zone:** Parcel not in FEMA Flood Zone.

**Fire Hazard Severity:** Very high fire hazard severity (SRA). Compliance with Chapter 7A of the *California Building Code* is required for all new construction.

**Groundwater Ordinance:** Parcel not in Groundwater Deficient Area.

**Landslides:** No landslides found.

**Local Drainage:** Rector Reservoir

**Soil Type:** Boomer loam, 2 to 15 percent slopes.

**Special Species:** No special species found.

**Spotted Owls:** No Spotted Owls found.

**HazMat Releases – Local Oversight Program (LOP) (within 1,500 ft.):**

No Non-LOP hazardous materials releases found.

**County Zoning:** AW (Agricultural Watershed) See subsequent discussion on zoning.

**Schools within 0.25 Mile Radius:** No schools within 0.25-mile radius.

#### Relationship to Local Plans and Ordinances

**General Plan Land Use Element and Zoning:** The land use designation for the subject property in the *Napa County General Plan* is AW (Agricultural Watershed). The zoning district is also AW. The AW District allows the growing of agricultural products, including wine grapes. On parcels of ten acres or larger, it also allows wineries as an agricultural processing use, with an approved winery use permit. In addition to wineries, several types of residential uses are allowed: (1) one primary residence of any size; (2) a guest house of up to 1,000 sq. ft. in size (but without a kitchen); (3) a “second unit” of up to 1,200 sq. ft. in size (may have a kitchen and can be rented for 30 days or more, but not as a vacation rental); and (4) any number of farm worker or caretaker units, so long as the units meet County development standards and the occupants of said units qualify according to their job descriptions and income levels.

**Winery Definition Ordinance (WDO):** The *Napa County Winery Definition Ordinance (WDO)* defines wineries and describes the parameters for the design and development of wineries, as well as describing the activities that may occur at wineries. A winery is allowed on any agriculturally zoned property of ten acres or greater, but requires an approved winery use permit.

A winery may not exceed 25 percent of the overall land area of the parcel, including all structures and other impervious surfaces, including roads and parking areas. Another coverage threshold is the production-to-accessory ratio for winery structures, which is 60 percent for production (minimum) and a 40 percent (maximum) for accessory uses (tasting rooms, kitchens, winery offices, etc.) The proposed winery is consistent with both these regulations. Other portions of the County’s *WDO* include setbacks from roadways. The proposed winery is observant of all these road setbacks and no variances or road exception requests are part of the revised project.

Mountain Peak Vineyards LLC has an ultimate (Phases One and Two) overall coverage of 103,528 square feet (includes existing viticulture building for grading/drainage consideration), with an overall coverage of 2.37 acres of winery development area or 5.7 percent of the parcel size. This falls considerably below the maximum coverage of 25 percent allowed in the County’s *WDO*. Production facilities are housed in the greatly reduced proposed size of the wine cave and include an outdoor covered crush pad area and an uncovered outdoor work space. The accessory uses consist of a tasting room in the wine cave and an accessory use at-grade structure that will accommodate wine tasting areas, winery administrative offices, and a commercial kitchen. The ultimate (Phases One and Two) resulting production-to-accessory ratio is 36.1 percent at the completion of

Phase Two of the winery construction, lower than the maximum 40 percent accessory use allowed in the County's *WDO*.

In order to access the only area on the parcel that is conducive to wine caves, and to adhere to the strict 60/40 Percent Rule for municipal watershed areas, the winery was sited on a previously disturbed portion of the parcel that is also located adjacent to the area that works for wine caves. The wine caves are an important consideration in the applicant's objective of having the winery LEED Platinum certified and approximately 80 percent of the winery operations will occur in the wine caves as proposed.

***Response on Napa County 75 Percent Grape Source Requirement:*** The County's *WDO* requires an applicant to agree that a minimum of 75 percent of all fruit processed at the winery will be fruit originating in Napa County. The 112 acres of estate-owned vineyards on-site and within a half-mile of the site will provide an ample source of grapes for complying with the 75 Percent Grape Source Rule in the *Winery Definition Ordinance*. To that end, the applicant maintains a current and future spreadsheet breaking down the necessary fruit source relative to varieties, vineyard blocks, acreage, appellation, estimated tons/acre, and estimated tons for current harvest translated into gallons and cases of wine.

***Napa County Conservation Regulations:*** The proposed project is consistent with the *Napa County Conservation Regulations*, which apply in all agriculturally zoned districts. One aspect of the project is its relationship to the 60/40 Percent Rule, which is a function of the parcel's location in an area designated as part of a Municipal Watershed Area (Rector Reservoir, which provides potable water to the City of Napa). This rule provides that no more than 40 percent of a property (based on 1993 aerial mapping) may be cleared of tree canopy or naturally occurring groundcover. This includes all impervious areas, vineyard plantings and other ornamental landscaping, roads, wineries and residences. This property has reached, but has not exceeded the 60/40 Percent Rule threshold and this condition is analyzed in the 60/40 Percent Rule Analysis included in the civil engineering reports. The winery development area falls within the 60/40 Percent Rule area related to existing vineyards and the residence, the latter of which will be replaced by the winery improvements.

***Napa County Street and Road Standards:*** The original application identified an existing easement as the major entry for the winery. This is an easement shared by a number of residences that neighbor the winery. During discussions with the neighbors, concerns were raised about increased traffic on this easement, attributable to the winery. As a result, the owner/applicant abandoned the original access plan and redesigned the winery entry so that it was separated from the easement (which he owns).

The road exception request that was part of the original winery application has also been resolved and eliminated from this revised application. The recent 16 percent grade threshold will require a road exception for one segment of the winery access road and we are awaiting guidance from CDF and County Public Works for the criteria for such exceptions.

**Other County Departmental Regulations:** The winery use permit will also be subject to regulations of Napa County Environmental Management and the Napa County Building Department, integral with the Planning Department. All required regulations will be satisfied as part of the proposed project, if approved.

All conditions of approval associated with this winery use permit will be performed at the appropriate time.

**Greenhouse Gas Emissions Checklist:** The Mountain Peak Winery is one of only two proposed in Napa County with a LEED Platinum-designed footprint, so its performance standard in this regard is almost unprecedented. The other LEED Platinum-designed winery is the Teucer (now known as Italics) Winery. As has been pointed out by many experts in LEED certification and by architects throughout the Bay Area, LEED is not particularly “winery-friendly.” So this is a high bar for performance. See the *Greenhouse Emissions Checklist* submitted with this application for details. We will also have Earl Wilson, Principal with BAR Architects, making a presentation on LEED design for wineries when this project goes to hearing before the County Planning Commission.

#### Winery Development Area Improvements

The proposed winery is housed almost exclusively within the wine caves for its production activities, as well as for some its accessory uses. A covered crush pad segues into the wine caves. All fermentation and barrel storage will occur within the caves. Additional accessory winery uses will be housed within a single proposed at-grade structure. All necessary infrastructure and other facilities related to the winery are as described below, per County Code.

**Wine Caves:** The proposed wine caves are a total of 33,424 square feet and will be drilled in Phase One of the winery construction. The applicant envisions all wine production activities, with the exception of grape receiving and crush, to be accommodated within the wine caves. The wine caves will also be used for tours and tastings and for some of the winery marketing events. A winery administrative office, lab and break room are included in the plans, with the appropriate fire protection mitigation. This includes sprinklers within the caves and the appropriate exiting signs/lighting and other required life safety measures.

Caves spoils amounts are estimated at 29,498 cubic yards. Spoils areas are indicated on the winery development area site plan and on the overall site plan exhibits. One large area is indicated to the southwest of the vineyard blocks on the parcel (but east of the proposed tasting room), while another is located west of the existing viticulture office structure. Another temporary spoils area is located in proximity to the drill area of one of the cave portals. All cave spoils will be utilized on-site in vineyard rows, for roads, or as part of the overall building design materials. Appropriate Best Management Practices

(BMPs) and erosion control plan measures will be in place prior to the drilling of the wine caves and removal of spoils.

With the wine production and barrel storage within the caves, it alleviates the need for larger at-grade production and barrel storage structures. This is a very important consideration as relates to both visual impact and ground disturbance, particularly in consideration of the applicable 60/40 Percent Rule in the municipal watershed areas. (The subject property is located within the Municipal Watershed Area associated with Rector Reservoir.)

**Winery Accessory Structures:** The single at-grade winery accessory structure is proposed for the purposes of wine tasting and hospitality and for winery administrative offices. The structure is 7,036 square feet in size. The ground level will provide a reception area and reception office, two tasting room areas, a commercial kitchen and accessory storage areas, and visitor restrooms. The walk-out basement level in this structure includes winery administrative offices, a wine library, restroom facilities, and an elevator shaft and mechanical room. This structure is blanketed with outdoor patio areas on the ground floor and a small covered terrace at the basement area, each of which may be utilized for certain of the outdoor wine tastings when weather allows.

A second at-grade accessory structure of 2,719 square feet in size has been eliminated from the plans.

The production-to-accessory use ratio for this winery is 36.1 percent. The original ratio of 19.8 percent was increased due to the elimination of almost one-half of the wine cave that was identified as production use space.

**Winery Infrastructure and Outbuildings/Facilities:** In addition to the two proposed winery structures, there will be two 100,000-gallons (each) water tanks. Both will provide water for irrigation of vineyards and landscaping. There is also one 80,000-gallon tank for fire protection and another 20,000-gallon tank for domestic water use. One of these will be designated exclusively for fire protection water sources and the other will provide potable water and water for irrigation of vineyards and landscaping. One of these water storage tanks, the one designated for fire protection, is not subject to the *WDO* road setback of 300 feet. The tank is sited outside the 48-ft. road and property line setback. The reason for this location is so that a gravity-feed condition can be achieved for the water tank for firefighting purposes.

The at-grade water storage tank is located well outside all road setbacks.

There is an existing structure on-site that is an approved viticulture office, originally permitted by the previous owner of the property. This structure will continue its present use as a viticulture office. Therefore, it has not been calculated into the proposed winery uses but has been considered in the overall coverage calculations for the Grading and Drainage analysis. The size of this structure is approximately 3,000 sq. ft.



### **Winery Access Road:**

In this revised project statement and plans, the previous winery entry via the shared easement has been eliminated and the current winery entry does not incur a road exception request, except in a small segment of the road that exceeds the 16 percent grade criteria. This recent change in the road criteria, occasioned by the State standards, will result in the County redrafting their current road exception standards. The necessary road exception corresponding to this condition will be submitted as soon as such criteria exists for the exception.

The winery access road system includes the necessary fire protection access measures, including either clear access for structures or the required fire engine turnaround areas. The roadway also recognizes the needs of pull-out and turnaround areas in proximity to designated parking areas.

### **Parking:**

The parking area, located in proximity to the accessory use structure, is envisioned as being of pervious surface, with the exception of the two ADA-accessible parking spaces. The ADA spaces will be impervious (paved), and striped according to regulation. There is an additional parking area in proximity to the caves and it has one ADA parking space.

There are 26 (reduced by two spaces from the original use permit proposal) total spaces provided, two of those spaces ADA-accessible. Two of the ADA spaces are of suitable size for loading and unloading an ADA-accessible van. The area for agricultural worker parking, next to the existing viticulture structure, can accommodate another approximately 10 parking spaces.

Parking for the larger marketing events will be available along vineyard roads and valet parking and/or shuttle bus service may be available from legally designated parking areas off-site for the largest of the marketing events.

**ADA-accessible Facilities:** The winery hospitality structure will include an elevator that allows access to both the hospitality areas and the wine caves. A total of two ADA-accessible parking spaces are part of the parking concept. Both of these spaces will allow loading and unloading of an ADA-compatible van. Garden areas and the two outdoor tasting landscape features are similarly ADA-accessible, with compacted decomposed granite or other ADA-acceptable surface for wheelchairs.

**Water Supply/Storage/Fire Protection:** A *Water Availability Analysis* has been provided for the proposed winery, and it shows that the winery and all on-site water uses fall below the County's threshold. The parcel currently contains a residence (which will be replaced by the proposed winery), vineyards and miscellaneous agricultural structure/infrastructure associated with vineyard operations. The property has an existing groundwater well with a reported 100-gpm yield. The current water use on the property

is 13,202 gallons per day. The proposed water use with the new winery will be 13,202 gallons per day.

In order to meet the requirements of the *Transient Non-Community Water System* predicated by employees and winery visitors, the applicant is drilling a second groundwater well that will meet the requirements of a 51-foot seal. This use permit application includes a *Transient Non-Community Water System Feasibility Analysis*, which is included in the civil engineering reports binder.

At the request of the County, Bartelt Engineering did a detailed analysis that showed 20.79 acre-feet/year and 16.46 acre-feet of current and proposed water use, respectively.

In summary, the estimated water demand for the proposed use permit at this location is projected to be less than the allowable water allotment for the parcel, in accordance with Napa County Water Availability Policy. Therefore, a Phase Two Analysis is not required.

Two 100,000-gallon water tanks will provide water for irrigation of vineyards and landscaping. In addition, there is one 80,000-gallon fire cistern (below grade) proposed for fire protection purposes. There is a 20,000-gallon tank for domestic use water.

**Process and Sanitary Wastewater Treatment Systems:** As mentioned above, the *Water Availability Analysis* prepared by Bartelt Engineering shows that there is an adequate water allotment in support of a 100,000-gpy winery on the subject parcel.

The parcel will be able to support the wastewater generated by the proposed 100,000-gpy winery and tasting room by utilizing a treatment system to treat the combined process wastewater and the sanitary sewer wastewater effluent and disperse treated effluent through the surface drip irrigation to the vineyard. Alternately, there is the option of treating process wastewater effluent utilizing a pre-treatment system and disperse the treated effluent through a surface drip irrigation to the vineyard and dispersing the sanitary sewer effluent through either an on-site subsurface drip or a pressure distribution type dispersal field utilizing and AdvanTex AX Treatment System to pre-treat the sanitary sewer effluent. The analysis has considered wine production, winery employees and visitors as reflected in the *Winery Marketing Plan*, and the proposal for a commercial kitchen as reflected in the revised plans for the winery.

See Bartelt Engineering *Wastewater Treatment Feasibility Report (Amended)* as submitted with the current revised project application.

**Entry Gate/Winery Signage:** This use permit application requests approval of the winery entry gate and winery identification signage, as detailed in the exhibits provided by SWA Group. The winery wall is a 4-foot tall rock wall, which has an 8-ft. “see-through” deer fencing behind it. The winery entry gate is a “see-through” gate of corresponding 8-foot height, to prevent deer from entering the vineyards. The required

24-feet of width has been provided in association with the gate, as per CDF standards. A Knox box entry will be located at the entry gate, as per CDF requirements, as well.

The winery identification sign is embedded in the rock wall to the right of the entry. Its size is 30 square feet, consistent with County Code. The winery identification sign will bear the name of the winery, language advising that the winery tours and tastings are by appointment only, and a contact number for the winery. The winery sign will include low-level lighting that creates a soft wash of light on the winery identification.

**Winery Design:** The winery design was prepared by the San Francisco architectural firm of BAR Architects. Elevations of all proposed winery structures are included with this application. The following narrative is representative of the architect's vision for achieving the owners' objectives for the winery design.

The fundamental goal behind the design of the Mountain Peak Winery is to create a design in balance with the beautiful natural Atlas Peak location and in support of the Napa and northern California lifestyle. The intent in the design is to maintain the character of the rural valley setting through minimizing the impact of new structures while creating a visitor experience that emphasizes and enhances the experience of the site, nature, the vineyards and the architecture. A unique restored oak woodland garden approach to the outdoor space is used to integrate structural and landscape and to achieve the design intent.

The winery accessory building has been carefully sited to prevent the need of removal of any of the natural oak trees, while also providing a natural garden-like setting around the structure. The location allows the majestic black oak and live oak trees to tower above the roof of the structure, thereby striving to create a natural integration of structure and nature and maximizing shaded conditions. The sloping hillside adjacent to the tasting room and offices, in the corner of the vineyard, provides opportunity for a production-oriented wine cave and is also the most visually discreet location for the covered crush pad and other working aspects of the winery.

The tasting room is designed to be accessible through the oak tree garden, in such a way as to provide a sequence of memorable experiences for the visitor. Upon arrival, the tasting room is designed to open and extend outward into the garden and to distant views of the Napa Valley and Mt. St. Helena.

The low one-story architecture of simple, solid planes in combination with glass links in a natural palette of stone, wood, and non-reflective metals are all in support of the primary design intent of doing nothing to detract from the natural and agricultural landscape experience. It represents a painterly approach to design of a structure that is in harmony with the landscape.

**Landscape Concept/Features:** The site plan was assisted and the landscape concept for the project provided by the firm of SWA in Sausalito. The overall landscape concept is to create a natural oak woodland garden landscape and integrate it with the surrounding

natural elements of the site. The following narrative is representative of the landscape architect's vision for achieving the owners' objectives for the landscape plan.

As visitors emerge from Soda Canyon, the landscape opens to the Foss Valley and the watershed for Rector Canyon. Mountain Peak Vineyards sits at an elevation of 1,350 feet above sea level, commanding some of the most dramatic views of Napa north to Mt. St. Helena, west to Haystack, and east to Atlas Peak. The site gently slopes from elevation 1,385 ft. in the east to the rim of Rector Canyon, at elevation 1,300 ft. in the west. The new tasting room lies to the east, at elevation 1,350 ft., offering views over the daily operations of the vineyard. It is sited among a grove of existing native California black oaks, remnant of the historic landscape of the area and which will be retained as an integral part of the overall landscape concept.

The landscape plan enhances the natural quality of the regional landscape. The plant list reflected in the palette accompanying the concept exhibit emphasizes plants native or adaptive to the area, with special emphasis on the black oak woodland landscape. SWA has provided two plant lists in order to differentiate between the general landscape setting and the understory planting within the black oak woodland. Each landscape zone will have separate irrigation requirements and have been considered in the WELO calculations for the project. In addition, the selection of plant materials has recognized Napa County requirements for plant materials that do not provide favorable conditions for pests that are detrimental to wine grape vineyards.

The entry will incorporate a four-foot tall rock wall that will be of natural stone. The eight-foot height of the entry gate, in combination with an eight-foot tall deer fence ("see-through") behind the entry wall, will prevent deer from accessing the vineyards. Landscape lighting of a subtle low-level wash will illuminate the winery identification sign (30 square feet in size to be consistent with the County's Winery Sign regulation) that will be imbedded in the rock wall.

Visitors will be directed through the vineyards and offered views of the Vaca Mountain Range to the west. As visitors approach the winery, they arrive at the grove of existing black oaks and a "portal" into the oak woodland garden beyond. The portal and associated landscape will direct the visitor through the garden as the initial experience of the winery. The garden paths (largely pervious surfaces), the two landscape features for outdoor tasting areas, and integrated structures will provide an aesthetically pleasing and coherent experience for the visitors' wine tasting experience.

A key aspect to the landscape concept is creating the opportunity for winery visitors to enjoy the beautiful outdoor experience offered by this property's setting. Two outdoor landscape features that flank the winery accessory building are shown on the site plan, areas where winery visitors may enjoy an outdoor wine tasting, wine and food pairing, or a picnic (A.B. 2004 "Picnic" Ordinance) as part of their visit. These landscape features may be open air in some instances and covered in others, but all surfaces will be pervious. Some of the outdoor areas will feature beverage bars for the comfort and convenience of visitors to the winery, where wine tastings can be staged. The intent of

these outdoor areas is to maximize the experience of the beautiful Napa landscape for winery visitors, weather permitting. To that end, these areas are open air or only partially covered, are strategically located to segue from the winery gardens and other natural areas, and are landscape features rather than structural elements.

A prototype of possibilities for these landscape features is included along with the overall landscape concept and plant palette in drawings and elevations.

### Winery Dynamics and Winery Marketing Plan

The winery will be open seven days per week. This application proposes hours of 6:00 A.M. until 6:00 P.M. for overall agricultural and production operations, with one flexible-hours work shift. Visitation hours are proposed from 10:00 A.M. until 6:00 P.M. Evening events will commence after 6:00 P.M., to avoid the commute peak-hour traffic condition, and will conclude by 10:00 P.M. in the evenings.

The total number of winery visitors for by-appointment-only tours and tastings is proposed as 80 per day on the busiest day, or a maximum of 320 persons per week. The average daily number associated with the 320 weekly number is 46 persons daily. However, allowing a maximum on busiest day of 80 will allow the applicant to be in compliance on the busiest days and then fall back on the average number on many other days, as reflected in the 320 per week number.

The winery requests the ability to serve food with some of the wine tastings.

**Winery Employees:** The total number of 27 winery employees, assumed for long-range planning purposes, is 19 full-time employees; four part-time employees; and an additional 4 part-time winery employees during the harvest season.

**Winery Marketing Plan:** As per the provisions of the County's *Winery Definition Ordinance*, Mountain Peak Vineyards LLC proposes a Winery Marketing Plan consistent with similarly sized production wineries in Napa County, as follows.

**Food-and-Wine Pairing Events:** A maximum of 6 per month, three of which will have up to 12 persons attending and the other three of which will have up to 24 persons attending.

**Wine Club/Release Events:** A maximum of 4 per year, with up to 75 persons attending at each event.

**Larger Auction-related Events:** Two per year with up to 125 persons attending each. (Portable restroom facilities may be utilized for these events. Valet parking and/or shuttle bus transport may be utilized for these larger events.)

The application requests approval of Assembly Bill 2004 "Picnic" Ordinance allowing the consumption of alcoholic beverages on-site in specified areas. (See site plan for locations of these areas.)

The application proposes a commercial kitchen in the winery hospitality structure. Food served with wine tastings and marketing events may be prepared in the commercial kitchen. At times, licensed caterers will be used and the commercial kitchen utilized as a caterers' staging kitchen. The applicant envisions light fare service with wine tastings for perhaps half of the total tastings. The larger Auction-related events will likely be catered events, with the commercial kitchen serving as a staging area.

There will be no outdoor amplified music in connection with winery marketing events, consistent with Napa County standard conditions for wineries.

#### Comparative Analysis of Daily Visitation

A comparative analysis of daily visitation associated with other 100,000-gpy production wineries that are also located on hillside roads, shows that the daily visitation proposed for Mountain Peak Winery is 58 percent of the norm. The wineries evaluated are listed below and the average visitation at these wineries is 136 persons per day for tours and tastings. All of these wineries are 100,000-gpy production wineries.

Chappellet Winery (150) Both pre-WDO and modified post-WDO.

Ladera Winery (100) Post-WDO.

Oakville Grade Winery (100) Post-WDO.

Schramsberg Winery (180) Both pre-WDO and modified post-WDO.

Somerston Winery (150) Post-WDO

#### Neighborhood Outreach/Project Revisions

Following early meetings with neighbors to the winery and other residents along Soda Canyon Road, the owner/applicant proposed a settlement agreement whereby he would compromise on a number of components of the project, in return for neighbors agreeing to support (or at least to not oppose) the project. The attachment embodies all the points of compromise, which included everything asked for by the neighbors, except for a dramatic downsizing of the winery.

The applicant's representative, Steven Rea signed the proposed agreement. Unfortunately, the neighbors did not agree to sign. Nevertheless, the applicant has decided to perform on all the measures in the agreement anyway, because he felt it was the right thing to do in order to create a "good neighbor" dynamic.

Since the time this agreement was drafted, the owner has determined some areas where he could also reduce the scale of the project at this time. Reducing the scale and character of the winery has accomplished the following:

- (1) Reduces the wine cave from the original 65,224 sq. ft. to 33, 424 sq. ft., a 52 percent decrease in magnitude of the cave;
- (2) Eliminated one of the two at-grade accessory structures;
- (3) Refined the design of the winery to eliminate all variances originally proposed;
- (4) Eliminated the necessity of a road exception request; and
- (5) Removed all winery traffic from the shared easement (which he owns).

As of this submittal, this applicant has now performed on 100 percent of the requests originally made by neighbors, including a significant downsizing of the winery itself.

The winery owner/applicant has control, through ownership or lease, of grapes to satisfy 92 percent of his overall proposed 100,000-gpy production. These are vineyards that are located either on the winery parcel, on an adjacent parcel, or an 84-acre vineyard located one-half mile up the road. All vineyards have been converted to organic farming since this applicant took ownership, in accord with their passionate commitment to environmentally sustainable life and business practices. These grapes are currently being sent off-site for custom crush at far outlying facilities in the County.

Furthermore, this commitment is reflected in the LEED Platinum design of the winery. Since LEED design is not particularly “winery-friendly,” this design objective has come with very significant performance standards on the part of this applicant and the winery design team. The grape ownership, excellent water resources, no variances proposed, and LEED target for design collectively represent exactly the kind of environmentally superior winery facilities that we should be encouraging in Napa County, now and in the future.

# Mountain Peak Vineyards LLC

*steven@mountainpeakvineyards.com 707.853.8600*

## Proposed Compromise Agreement

With the desire to reach a mutually agreeable compromise with Neighbors who have expressed concerns (Neighbors) regarding the Mountain Peak Vineyards LLC (MPV) winery project at 3265 Soda Canyon Rd., on this day of May 7, 2014, MPV proposes to make the following revisions to its project and to notify the County as soon as possible of such changes, in return for the Neighbors to agree that they will not oppose or appeal the winery use permit.

“Neighbors” includes Kosta Arger, Julie Arger, Anthony Arger, Bill Hocker, Mui Ho, Tony Fernandez, Glenn Schreuder, Yeoryios Apallas.

- (1) MPV will prepare and present design drawings for County Staff and Traffic Consultant review, which would remove the hospitality entrance from the shared access easement and place it directly off Soda Canyon Rd., in close proximity to the existing residential entrance. If the County approves of this change, MPV agrees to move forward with this new location. See Addendum 1 for proposed entrance.
- (2) MPV will propose to the County to build a berm and plant an orchard on the east side of the proposed parking area, to provide increased visual screening for the Arger vacation home or those driving down the shared access easement.
- (3) MPV will propose to the County to construct an additional temporary construction portal to the caves, so that drilling can be carried out from both the front and the back at the same time. This will significantly reduce the amount of time necessary to drill the caves and any disruption related to such construction.
- (4) MPV will propose to the County a reduction in the daily winery tours/tastings on those days when a marketing event is held. This reduction would be equal to ½ the number of persons in attendance at the marketing event scheduled for that particular day.
- (5) MPV will respond to the inquiry by the Arger family, who asked that MPV erect a shade cloth along parts of our eastern fence that faces the Arger property, in order to help with dust mitigation. Although we believe that standard dust control measures will be quite adequate to achieve the normal level of dust control for this temporary issue, as they have been with virtually every winery construction project undertaken in the County, we are willing to concede this. We would install this shade cloth for the period of the winery construction when there is a large amount of grading or land work in that area.
- (6) While the Agricultural barn is not part of the winery use permit due to its agricultural use, MPV will remove the proposed agricultural barn from the area that is adjacent to the Hocker property, if Bill Hocker and Mui Ho agree to and sign this agreement.

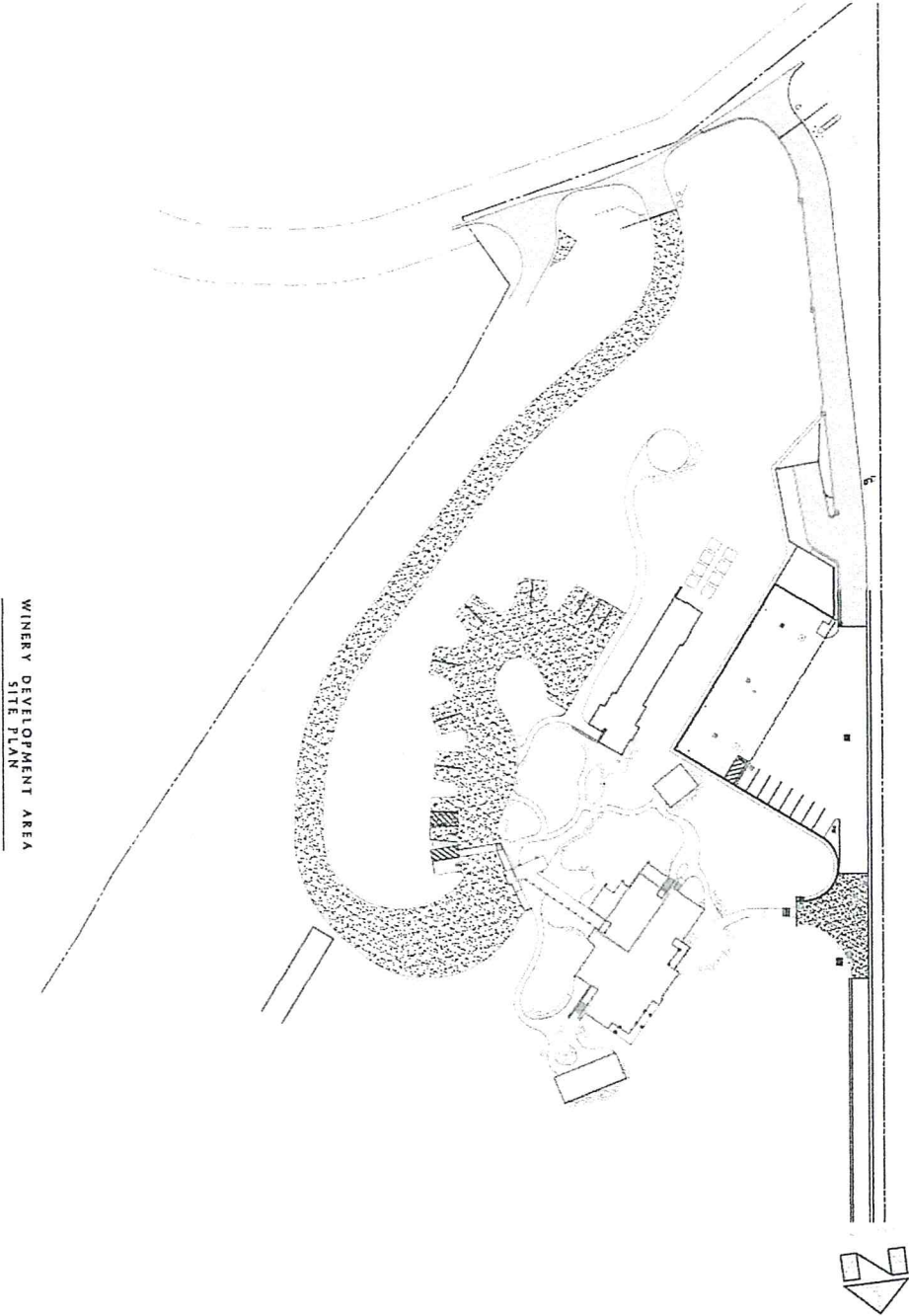
This proposal is offered as a settlement agreement and is contingent upon the agreement and receipt of signatures from all Neighbors. If all Neighbors’ signatures are not received, then this proposal is not executed. In this case, MPV will proceed forward as they best see fit and in accordance with the guidelines set forth by the County.



# Mountain Peak Vineyards LLC

*steven@mountainpeakvineyards.com 707.853.8600*


## Addendum 1



# Mountain Peak Vineyards LLC

*steven@mountainpeakvineyards.com 707.853.8600*

By signing this agreement, all parties acknowledge understanding of and hereby agree to all the terms set forth in this agreement.

 5/8/14  
\_\_\_\_\_  
Mountain Peak Vineyards LLC      date  
Steven Rea - General Manager

\_\_\_\_\_  
Kosta Arger      date

\_\_\_\_\_  
Julie Arger      date

\_\_\_\_\_  
Anthony Arger      date

\_\_\_\_\_  
Bill Hocker      date

\_\_\_\_\_  
Mui Ho      date

\_\_\_\_\_  
Tony Fernandez      date

\_\_\_\_\_  
Glenn Schreuder      date

\_\_\_\_\_  
Yeoryios Apallas      date