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Agenda Date: 9/20/2017

Agenda Placement: 8B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Truchard Family Winery

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### **RECOMMENDATION**

#### **ANTHONY M. & JO ANN TRUCHARD / TRUCHARD FAMILY WINERY / USE PERMIT P14-00330-UP & VARIANCE P14-00331-VAR**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration and MMRP, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological Resources and Hydrology / Water Quality. The property is on the California Environmental Protection Agency's list of hazardous sites (Government Code Section 65962.5), but is listed as a closed site. In 2005, there was a minor spill of chlorinated pesticides and/or hazardous material contamination in the soil. The spill was remediated and the site was closed in 2006, and is therefore not considered to have any potential significant environmental effect.

**Request:** Approval of a Use Permit to allow the construction of a new 100,000 gallon winery with the following characteristics: 1) Construction of a 33,702 sf winery building and a 1,200 sf attached covered crush pad; 2) Tours and tastings by appointment with a maximum of 40 visitors per weekday and 60 visitors on weekends/holidays for a maximum weekly total of 320 visitors; 3) A marketing program, which consists of two events per month for up to 30 people and four annual events for up to 150 people. Portable restrooms to be provided for events over 90 people; 4) Establishment of commercial catering kitchen for food and wine pairing activities; 5) Provision of food and wine pairings for the tours and tastings; 6) Employment of four full time and three part time employees; 7) Establishment of hours of operation: Monday through Sunday - visitation 10:00 a.m. – 6:00 p.m., and non-harvest production 8:30 a.m. - 5:30 p.m.; 8) On premises consumption of wines produced on site within the winery building and adjacent patio areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; 9) Construction of 12 parking spaces and provision of valet parking for events on the crush pad and outdoor work areas; 10) Improvement of the southern existing driveway dedicated to winery visitors in conformance with the Napa County Road and Street Standards. The northern driveway to be dedicated for agricultural purposes, employees and production activities of the winery; 11) Construction of a new entry gate and winery signage for the

southern driveway; 12) Replacement of the existing wooden bridge with a clearspan bridge in compliance with California Department of Fish and Wildlife and Napa County Conservation Regulations; 13) Construction of an on-site wastewater system with disposal of treated wastewater on vineyards on the adjacent 26 acre parcel (APN: 043-040-003); 14) On-site water storage tanks and utilizing the existing connection to the Congress Valley Water Department and/or well on the adjacent parcel (APN 043-061-022). A Variance application (P14-000331-VAR) is also requested to allow construction of the winery 178 feet within the 600 foot winery setback of Old Sonoma Road. The project is located on an approximately 11.52 acre parcel, within the AW: Agricultural Watershed zoning district approximately 1,320 feet south of Congress Valley Road and Old Sonoma Road intersection approximately 225 feet on the east side of the Old Sonoma Road located at 4062 Old Sonoma Road, Napa CA.; APN: 043-040-001 (Currently: APN 043-040-028). The project will rely on the adjacent 26 acre vineyard parcel (APN: 043-040-003; Currently: 043-0040-029) to dispose of the treated wastewater and utilize the existing connection to the Congress Valley Water Department and/or well on the adjacent parcel (APN 043-061-022).

**Staff Recommendation:** Adopt the Mitigation Negative Declaration and MMRP and approve the Variance and Use Permit, as conditioned.

**Staff Contact:** Charlene Gallina, Supervising Planner, (707) 299-1355 or [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

**Applicant Contact:** Katherine Philippakis, Esq. and Kirsty Shelton Gerosa; Farella, Braun + Martel; 899 Adams Street, St. Helena, Napa, CA 94574; (707) 967-4000; [kgerosa@fbm.com](mailto:kgerosa@fbm.com) & [kp@fbm.com](mailto:kp@fbm.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and MMRP based on recommended Findings 1-7 in Attachment A;
2. Approve Variance P14-00331-VAR based on recommended Findings 8-12 in Attachment A, and subject to the recommended conditions of approval in Attachment B; and
3. Approve Use Permit P14-00330-UP based on recommended Findings 13-17 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

### **Discussion:**

The proposal is to construct and operate a new winery with a production capacity of up to 100,000 gallons. The winery would consist of a 33,702 sf winery building and a 1,200 sf attached covered crush pad. The application proposes a maximum of 40 visitors per weekday (Monday through Thursday) and 60 visitors on weekends (Friday through Sunday)/holidays for a maximum weekly total of 320 visitors. The marketing program will consist of two events per month for up to 30 people and four annual events for up to 150 people. Portable restrooms will be provided for events over 90 people. Furthermore, a Variance is being requested to permit the winery building to be located within the required 600-foot winery setback from Old Sonoma Road. The winery is proposed approximately 412 feet from the centerline of Old Sonoma Road requiring a variance of 178 feet.

This item was scheduled to be heard on May 3, 2017. However, in response to public comments received from Davidon Homes and the law firm of Perkins Coie, LLP on May 2, 2017, the applicant's representative requested a continuance of the item to June 7th in order to have an opportunity to review their comments and present a response to staff and the Commission. After review of the comments, staff and the applicant's team determined

that additional environmental analysis was warranted before any action was taken on this project. Given this, the item was dropped from the agenda on June 7, 2017. On August 17, 2017, the previous environmental document for the project was updated and completed based upon additional information provided by the applicant and their project team resulting in an Initial Study/Mitigated Negative Declaration and a MMRP and re-noticed on August 18th for 30 days. A copy of a redlined version of this document including technical studies prepared by the applicant's project team has been attached to this report for Commission review and consideration.

Based upon review of this new technical information in response to public comments and the project proposal, staff has found the project to be consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. Staff has also reviewed the Variance request and based upon the evidence submitted, the required findings can be met. The requested visitation and marketing program has been found similar in size to those of 100,000 gallon per year production wineries with by appointment visitation and marketing activities. Furthermore, sufficient water is available to implement the project under two scenarios (groundwater from an existing well and water obtained from the Congress Valley Water District), the applicant proposes to incorporate GHG reduction measures as part of the project, and there will be no significant environmental impacts to the site given application of mitigation measures. Based upon these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

#### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

#### **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program (MMRP). According to the proposed Mitigated Negative Declaration and MMRP, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological Resources and Hydrology / Water Quality. The property is on the California Environmental Protection Agency's list of hazardous sites (Government Code Section 65962.5), but is listed as a closed site. In 2005, there was a minor spill of chlorinated pesticides and/or hazardous material contamination in the soil. The spill was remediated and the site was closed in 2006, and is therefore not considered to have any potential significant environmental effect.

An Initial Study/Proposed Negative Declaration was prepared and circulated 30 days in advance of the first public hearing scheduled for May 3, 2017. Prior to the close of that comment period, timely comments questioning the adequacy of the proposed Negative Declaration were filed on behalf of a neighboring property owner, Davidon Homes and the law firm of Perkins Coie, LLP. Comments received addressed the following areas: Aesthetics, Air Quality/Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Hydrology; and other process concerns. In response to these comments, the project was continued to provide time to evaluate the comments and revised the supporting environmental documentation accordingly.

As a result, a revised Initial Study was developed with mitigation measures added to address potential biological resources impacts, which also relate to hydrology. The revised document also addressed the other areas of concern raised by Davidon Homes, but no changes to the previous findings resulted. The project does not require revision and/or implementation of mitigation measures for aesthetic resources, air quality/greenhouse gas emissions, or cultural resources. As a result of the revised analysis and conclusions, the Initial Study has been recirculated for a 30-day comment period (closing September 19, 2017), including circulation to State Trustee and Responsible Agencies through the State Office of Planning and Research (i.e. – State Clearinghouse). No

comments have been received on the revised Initial Study/Proposed Mitigated Negative Declaration as of the publishing date of this staff report. Details of this environmental review are discussed below.

## **BACKGROUND AND DISCUSSION**

**Owner:** Anthony M. and Jo Ann Truchard; 3234 Old Sonoma Road, Napa CA 94559; (707) 253-7153

**Applicant:** Anthony Truchard II; 3234 Old Sonoma Road, Napa CA 94559; (707) 253-7153;  
Anthony@truchardvineyards.com

**Representative:** Katherine Philippakis, Esq. and Kirsty Shelton Gerosa; Farella, Braun + Martel; 899 Adams Street, St. Helena, Napa, CA 94574; (707) 967-4000; kgerosa@fbm.com & kp@fbm.com

**Zoning:** Agricultural Watershed (AW)

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

**Filed:** October 15, 2014

**Resubmittals/Revisions Received:** June 26, 2015; August 31, 2015; October 12, 2015; December 9, 2016; February 8, 2016; March 23, 2016; October 13, 2016; January 23, 2017

**Deemed Complete:** February 8, 2017

**Parcel Size:** Approximately 11.52 acres

**Existing Development:** Existing development includes a total of 4.58 acres of vineyards.

### **Proposed Winery Characteristics:**

**Winery Size:** 33,702 sf winery building for hospitality and production and a 1,200 sf attached covered crush pad

**Production Capacity:** 100,000 gallons per year

**Winery Development Area:** 16,572 sf (0.38 acres)

**Winery Coverage:** 61,456 sf (1.41 acres) or 12.25% of total parcel acreage (Maximum 25% or approximately 15 acres)

**Accessory / Production Ratio:** 8,887 sf accessory 24,091 sf production - approximately 37%. (Maximum 40% permitted)

**Number of Employees:** Four full time and three part time

**Proposed Visitation:** A maximum of 40 visitors per weekday (Monday through Friday) and 60 visitors on weekends (Saturday and Sundays) / holidays for a maximum weekly total of 320 visitors per week by appointment only (includes food and wine pairings)

**Proposed Marketing Program:** Two events per month for up to 30 people (includes food and wine pairings) and four annual events for up to 150 people (includes meals). Occasional marketing events to be conducted until 10:00 p.m. Portable restrooms to be provided for larger events over 90 people.

**Days and Hours of Operation:** Monday through Sunday; Visitation hours: 10:00 a.m. – 6:00 p.m. and Non-Harvest Production hours: 8:30 a.m.- 5:30 p.m.

**Parking:** 12 parking spaces including ADA spaces; Provision of valet parking for events on the crush pad and outdoor work areas

**Setbacks:** Required: 600 feet from Old Sonoma Road (front) and 20 feet from all other property lines; 55 foot setback for the Unnamed tributary to Congress Valley Creek

Proposed: 412 feet from Old Sonoma Road; A variance of 178 feet is being requested with this project proposal (Refer to discussion below)

Proposed: 30 feet from the rear property line (eastern side); 640 feet side property line from the southern side; and 130 feet side property line from the northern side

Proposed: Winery and other improvements to be located outside of the 55 foot creek setback

**Adjacent General Plan Designation/ Zoning / Land Use:**

North: AWOS / AW / Lands of Truchard - Vineyards

South: AWOS / AW / Lands of Truchard - Vineyards and Lands of Taramasso - Residence

East: AWOS / AW / Lands of Truchard - Vineyards

West: AWOS / AW / Rural residential and agricultural use (vineyards)

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

Please refer to Attachment O.

**Parcel History:**

Truchard Family Winery has been a local grape grower since 1970, and currently farms 270 acres of grapevines out of the 400 acres on 15 parcels. They have produced estate wines since their first vintage in 1989 in the Carneros region.

The subject parcel (APN: 043-040-001) is the first parcel they bought and it had a house and a barn. The house was demolished and the 1,217 sf barn continued to be used for used on site for agricultural operations. This barn is located directly across from the proposed winery to the north and an existing reservoir is located directly southeast on APN 043-040-003. A total of 4.58 acres of vineyards currently exist on the property. With this application request, a member of the Truchard Family is requesting the establishment of a new winery on this property.

**Code Compliance History:**

None. There are no open or pending code violations for the project site. The County is not aware of any compliance issues on the property and no complaints have been filed.

**Discussion Points:**

Setting - The site topography is relatively flat with gentle slopes to the west toward an unnamed seasonal creek on the property. This USGS blue line stream traverses the western and northern central portions of the property. There is an existing wooden bridge that spans an unnamed tributary to Congress Valley Creek and is proposed to be replaced as part of the project with a more substantial clear spanning bridge. The project area to be disturbed is greater than 1 acre, and the proposed new winery building will be located near the existing agricultural barn in the northwest corner of the property. Native vegetation of the site includes grassland; however the entire site is

disturbed and primarily planted with vineyards and developed with one existing barn structure and an irrigation reservoir. The predominant soil type on the project site is Bressa-Dibble complex, which is the Hydraulic Soil Group C. As a result of the 2014 South Napa Earthquake that occurred on August 24, 2014, it was discovered that an earthquake fault traverses the northeast corner of the property, which required redesign of the project to ensure no buildings would be constructed on this fault.

Winery Proposal – The proposal is to develop a new winery with a maximum permitted capacity of up to 100,000 gallons per year. Approximately 33,702 sf of floor area would be constructed consisting of three levels – the lower level consists of barrel storage and a tasting area; the ground floor level consists of production activities, location of the 1,200 sf attached covered crush pad, and the visitor entrance and lounge; and the upper level consists of hospitality activities, including outdoor viewing platforms. The outdoor patio visitation area is to be located on the northeast elevation of the winery building accessible from the ground floor level. The architectural design materials for the winery will include board and batten wood siding on the lower portion of the building; stone cladding on metal insulated panels on the upper portion of the building with steel framed windows, a corrugated roof with kynar paint finish, steel framed doors and windows, and glass and wooden batten doors at the winery entrance. The overall height of the winery building is 32'4" to the mid-point of the roof.

Variance – A Variance is requested for approval of the winery building to be located within the required 600-foot winery setback from Old Sonoma Road. The winery is proposed approximately 412 feet from the centerline of Old Sonoma Road requiring a variance of 178 feet. A larger setback is being requested to allow flexibility for changes in the final building plans for the winery building. As shown on the "Variance Plan" exhibit (Attachment G) prepared by RSA+, on October 13, 2016, the subject property is irregular in shape with the west property boundary following the curvature of the road and giving a range of depth ranging from 457 to 624 feet. With the widest portion of the property being 624 feet, the zoning regulations for a rear setback is 20' thereby making it impossible to comply with the road setback. Given that the subject parcel meets the minimum size requirement (10 acres) for development of a winery, it cannot meet the setbacks due to its unique and irregular shape.

Variances must satisfy the criteria in Government Code Section 65906 and County Code Section 18.128.060. Generally, the findings for a variance must meet each prong of a three-prong test to satisfy the statutory requirements together with additional local findings contained in the County Code. An applicant must demonstrate that: 1) they will suffer practical difficulties and unnecessary hardships in the absence of the variance, 2) these hardships result from special circumstances relating to the property that are not shared by other properties in the area, and 3) the variance is necessary to bring the applicant into parity with other property owners in the same zone and vicinity. In addition, an applicant must show that the proposed variance will not be contrary to public interest, safety, health, and welfare. To approve a variance the Planning Commission must make all five of the required findings listed below. As discussed below, Staff believes the project site can meet all of the required findings, and thus, supports grant of the variance.

Required Findings pursuant to Section 18.128.060:

1) That the procedural requirements set forth in this chapter have been met.

Staff Comment: This requirement has been met.

2) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Comment: The 11.52-acre parcel has a unique shape with constraints not shared by other properties in the vicinity. As shown on the "Variance Plan" exhibit (Attachment G) prepared by RSA+, on October 13, 2016, the subject property is irregular in shape with the west property boundary following the curvature of the road which

makes the rear property boundary an arc and a very unusual shape in this area, and giving a range of depth ranging from 457 to 624 feet. With the widest portion of the property being 624 feet, the zoning regulations for a rear setback is 20' thereby making it impossible to comply with the road setback. Given that the subject parcel meets the minimum size requirement (10 acres) for development of a winery, it cannot meet the setbacks due to its unique and irregular shape. It should be further noted that there are no eligible properties located within 1000' of the property that are hampered by the same irregular shape and setback limitations as those that apply to the subject property. The granting of this variance would not confer a special privilege as the subject parcel contains unique constraints in size, competing setback requirements and geographic configuration making it difficult to develop a winery absent the requested variance.

3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Staff Comment: This finding requires the applicant to demonstrate that grant of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other property in the same zone and vicinity, but would be denied to the applicant's parcel due to special circumstances of the property and unnecessary hardship. This is generally referred to as the "parity" prong. The property is located within the AW zoning district in which wineries are permitted upon approval of a use permit. Denial of a variance would deprive the applicant of the ability to develop this property for any agricultural processing facility. Approval of the variance would allow the subject property to be developed to an agricultural use consistent with the site's zoning and General Plan land use designations. Further, the variance to the winery setbacks would allow the applicants to achieve a degree of parity with other properties in the vicinity within the same zoning district that are currently in agricultural use and are not constrained in size, competing setback requirements and geographic configuration described above. Strict application of the setbacks, results in both practical and financial hardships, which would restrict the ability to obtain a winery use permit. Grant of the variance would bring the parcel into "parity" with other properties zoned AW that have been granted use permits for wineries.

4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Staff Comment: There is nothing included in the variance proposal that would adversely impact the public health, safety, or welfare of the County of Napa. Construction of the new building would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance to the winery road setbacks would not adversely affect the health or safety of persons residing or working in the neighborhood of the property. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which would incorporate these comments into the project to assure protection of public health, safety, and welfare.

5) Findings 5, 6, and 7 pertain to groundwater use, and the applicable finding depends on whether the project is located in a groundwater deficient area (#5), outside of a groundwater deficient area (#6), or connecting to a public water supply (#7). In this case finding #6 applies with operative language as follows: "...substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin..."

Staff Comment: As set forth in the attached initial study Negative Declaration Hydrologic Section and Water Availability Analysis and Groundwater Recharge Report, the applicant has demonstrated that the parcel has a sufficient water allotment of 65.89 acre-feet per year under Alternative One and Alternative Two to support the winery and vineyards on the property (5.08 acre-feet per year). The project does not have a significant impact on groundwater resources and this finding can be met. (Refer to groundwater availability discussion below for proposed alternative descriptions).

Visitation & Marketing – The application proposes a maximum of 40 visitors per weekday (Monday through Friday)

and 60 visitors on weekends (Saturday and Sunday) / holidays for a maximum weekly total of 320 visitors. The marketing program will consist of two events per month for up to 30 people and four annual events for up to 150 people. Portable restrooms will be provided for events over 90 people. The attached winery comparison tables (Attachment O) compare the Truchard Family Winery with wineries that currently have an annual permitted production capacity of 100,000 gallons. The requested visitation and marketing program is lower than the average of comparable public and by appointment wineries. With respect to the median, the proposed Truchard Family Winery is slightly higher than the median. As requested, this proposal is not out of scope with what has been approved at similarly sized wineries.

Viewshed Protection - The project site is not subject to the County's Viewshed Protection Ordinance because the project site does not contain a major or minor ridgeline and no construction is proposed on hillsides greater than 15% slope. The Viewshed Protection Ordinance requires buildings to comply with design review guidelines when located on or near ridgelines and/or steep slope that are visible from certain Viewshed Road. Old Sonoma Road is listed as a Viewshed Road, but the design guidelines are not technically applicable to the project because the site does not meet the hillside/ridgeline criteria. Nevertheless, as designed, the project would comply with the design review criteria of the Viewshed Guidelines, if they were applicable, featuring appropriate earth tone building materials and colors, shielded lighting, compliance with building height standards, and avoidance of reflective materials and surfaces.

The project also complies with the Conservation Regulations which protect riparian areas and limit native vegetation removal in hillside areas. This project primarily will occur in areas currently planted in vineyards and vineyard access roads. Views into the site from Old Sonoma Road are substantially screened by a heavily wooded riparian corridor west of the proposed building in compliance with Viewshed Guidelines. The project includes replacement of an existing vineyard access road bridge with a new clear span bridge. Construction of this bridge and associated roads will result in the removal of one tree in the vicinity of the proposed winery and branch trimming on several trims adjacent to the replacement bridge. This tree trimming is minimal, complies with the Conservation Regulations, and results in the retention of the wooded riparian corridor.

Views into the project site from adjoining properties will not significantly be changed as a result of the project. The subject property and adjoining unincorporated properties are all predominately in agricultural use primarily featuring vineyards with several rural residences and agricultural support buildings and facilities interspersed throughout. Addition of the proposed winery building and facilities will not significantly change the rural character of the subject property or surrounding area. Incorporated property east of the project site has the potential to develop with single family residences although the existing setting remains as vacant rural land. Views of the proposed winery from this potential residential development do not constitute a potential significant aesthetic impact. These incorporated potential residential lands are located over 1,000 ft. at its closest point from the proposed winery building. The building has no potential to block views of major or minor ridgelines, scenic rock outcropping or otherwise substantially degrade the visual quality of the area.

Biological Resources - Subsequent site specific floristic and fauna studies were performed by a qualified biological resources consulting firm in response to comments received during the initial public comment period. The studies evaluated the potential for special status species to be present within the project's area of affect. These studies are included in the Initial Study/Proposed Mitigated Negative Declaration attached to this staff report.

The florist evaluation found that no sensitive, threatened or endangered plant communities were present, or likely to establish within the project boundaries or vicinity. As such, no changes to the project are required, and no mitigation measures are triggered to protect sensitive plant communities.

Evaluation for fauna concluded that the project has the potential to impact two special status species: Pallid Bat and Western Pond Turtle; although neither species were observed within the project site during site visits. As a result, mitigation measures to avoid impacting each of these species were included in the project and proposed



conditions of approval consisting of pre-construction surveys for the presence of the species, and implementation of avoidance protocols prescribed by the California Department of Fish and Wildlife (CDFW). If bats are present, construction will not be permitted during breeding/nesting season and State-prescribed flushing protocols will be implemented if necessary. Similarly, a preconstruction survey for turtles will occur and barrier fencing will be installed between the construction site and water features to prevent turtles from entering the construction site.

The previously submitted draft Lake and Streambed Alteration Agreement (LSAA) submitted by the applicant suggested that Giant Salamander may also be present at the site, however, with this subsequent evaluation it was concluded that the project site has no habitat suitable for Giant Salamander.

Existing Bridge Replacement - A USGS blue line stream traverses the western and northern central portions of the property. The existing wooden bridge that spans this unnamed tributary to Congress Valley Creek will be replaced with a more substantial clear spanning bridge. A clear spanning bridge will allow for removal of existing concrete pier supports, removal of revetment piers and supporting walls, and removal of most of the concrete retaining walls that form a narrow weir in the vicinity of the existing bridge. Approximately 1,240 square feet of ruderal grassland are proposed to be temporarily impacted due to construction staging area. Furthermore, one yellow willow (*Salix Lutea*) and two white oak (*Quercus Lobata*) trees are proposed to be removed. To protect the streambed, construction exclusion fencing will be installed forming a perimeter around trees and other native plants requiring protection. The applicant has incorporated native tree and shrub replacement plantings at a 3:1 ratio into the project landscape plan for any removal or pruning of native trees or shrubs. The LSAA will be required by CDFW prior to construction. As a part of the LSAA process, CDFW requires that environmental planning and engineering plans demonstrate that the new bridge and associated construction will not cause harm to the creek environs and associated riparian plant and animal species. The LSAA will also require that environmental enhancement vegetation be monitored for a period of 5 years following construction and that success of plant establishment be reported to CDFW 2 to 3 times during that period. A project specific condition has been included with project approval (COAs 6.12 - Mitigation Measure IV3, 6.15a and 9.9a of Attachment B) ensuring processing of the LSAA and compliance with final implementation prior to the issuance of a Final Certificate of Occupancy. In concert with the bridge replacement, the applicant is considering to also voluntarily remove concrete footings and retaining walls within the stream channel. If the applicant moves forward with this aspect of the project, issuance of a Nationwide Permit from the United States Army Corps of Engineers (USACE) will be required prior to commencing construction.

Groundwater Availability - There are no active wells on the winery parcel. Currently, there are two wells on the parcel, located in the south and in the west of the winery parcel. These two wells were never fully developed and have been abandoned per Napa County standards. The Truchard family own parcels APN: 043-040-001 with 11.52 acres and APN: 043-061-022 with 126.1 acres which are both included in the water demand and are located at 4062 Old Sonoma Road. The two parcels are included in the groundwater demand analysis. The proposed project well will be located on Parcel 043-061-022. The Groundwater Recharge Report prepared by RSA, dated October 13, 2016 identified a water use criteria of .53 ac-ft. per year, and an annual of 6.3 ac-ft. in an average rainfall year. In accordance with the Napa County Availability Analysis (WAA), the estimated groundwater recharge rate in a dry year is assumed to be 75% of the average year.

In accordance with the Water Availability Analysis (WAA) prepared by RSA, also dated October 13, 2016, two water supply alternatives were analyzed. Alternative One analysis relies on the existing municipal water connection for winery domestic and process from Congress Valley Water District and irrigation water from an existing project well located on APN 043-061-022. However, the water supplier is changing from Congress Valley Water District to the City of Napa. There is a current "will serve" from Congress Valley Water District to serve the expected water demands. Because of the reasonable and foreseeable uncertainty, the project demonstrated that the proposed new winery can be also provided by Alternative Two which relies on groundwater from a new well for winery domestic and process water and irrigation water from an existing project well all located on APN 043-061-022.

As proposed the water demand for the project is 1.95 af/yr vineyard irrigation and 3.13 af/yr for the winery (process water - 1.53 af/yr, landscaping - 1.36 af/yr, and domestic water - 0.24 af/yr for employees, visitors and events for a total of 5.08 af/yr). Under Alternative One, the proposed well water demand of 44.51 ac-ft. per year is less than the estimated annual recharge of 65.89 ac-ft. per year in an average rainfall year and less than the estimated annual recharge rate of 49.42 ac-ft. per year in a dry year. It is proposed that winery domestic and process water will be supplied from the Congress Valley Water District (1.77 af/yr). A "will serve" letter, dated March 24, 2016 from the Congress Valley Water District has been provided to the applicant. It should be noted that Congress Valley Water District has extended its contract for an additional five (5) years. If the above alternative is to be implemented to supply water to two parcels, the existing water usage will be 43.49 ac-ft. per year and the proposed water usage will be 44.51 ac-ft. year. Under Alternative Two, the proposed well water demand of 46.28 ac-ft. per year is less than the estimated annual recharge of 65.89 ac-ft. per year in an average rainfall year and less than the estimated annual recharge rate of 49.42 ac-ft. per year. Existing water usage is 43.49 af/yr. Either alternative will result in on-site water storage tanks on the proposed winery parcel. Furthermore, staff has determined that either alternative for the project will not have a potentially significant impact to groundwater resources. It should be noted that a condition of approval has been added to the project requiring recordation of a water allotment and transfer agreement and a grant of reservation of future utility easement prior to the issuance of a building permit for use of groundwater from another parcel for this winery proposal. (Refer to COA 6.15b).

Wastewater - According to the Winery Wastewater Feasibility Report prepared by R.S.A. Engineering dated October 13, 2016, the project site and proposed system has adequate disposal capacity to serve the project. As proposed, the project will rely on the on-site processing and pretreatment system for winery and domestic waste. The treated waste water generated by winery will then be dispersed on the adjacent 26 acre vineyard parcel (APN: 043-040-003). The treated domestic waste will be disperse on the winery property. It should be noted that the Division of Environmental Health has reviewed this report and concurred with its findings. Furthermore, a condition has been added by Environmental Health requiring an agreement to grant a sewage easement or an approved sewage easement to be filed with the Division prior to issuance of a construction permit and prior to approval of a building clearance for any structure that generates wastewater.

Geology - The project site lies along an active fault zone within the West Napa Fault Lines which runs along the east side of Old Sonoma Road as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. Based on the project's Geological Study Report dated November 23, 2015 prepared by RGH Consultants, the nearest Fault Lines to the project site are distributed as follows: San Andreas 31 miles west, Healdsburg 10 miles west, Concord-Green Valley 8 miles east and West Napa Fault is 4 miles south. However, it must be noted that, RGH Consultants believe that further risk of fault rupture at the site is high. Based on their subsurface exploration program, they identified a surface fault rupture resulting from the 2014 South Napa Earthquake, and recommended to the applicant that structures not be constructed over active traces of the fault or within a 30-foot setback. Therefore, the site plan for the project identifies the fault and development is out of the required 30-foot setback.

Greenhouse Gas Emissions – The County requires project applicants to consider methods to reduce Green House 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 F. The applicant intends to recycle 75 percent of all waste; install water efficient fixtures; use recycled materials, pre-plumb to accept photovoltaic panels in the future; comply with CALGREEN Tier 1 energy efficiency standards, use LED lighting, as well as motioned sensor/automatic times to reduced unwanted light, provide bicycle parking and locking facilities for guests, use of treated wastewater to irrigate existing vineyards, compost 75% food and garden material, utilize drought tolerant landscaping with an emphasis on native plantings as part of the final landscape plan, plant shade trees on the south side of the building elevation, install electrical vehicle charging stations within the parking area for priority parking, serve locally grown food products as part of our food and wine pairings, preference when purchasing future supplies for the winery, educate staff and visitors on sustainable practices, use 70-80% cover crop, and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than

burning on-site. The existing vineyard is already Napa Green Certified and Fish Friendly.

Traffic and Parking – The project site is located on the east side of Old Sonoma Road approximately 1,320 feet south of Congress Valley Road and Old Sonoma Road intersection. Access to the project would be through two existing driveways on Old Sonoma Road, located approximately 650 and 1,000 feet south of Congress Valley Road. One driveway would be used for winery operations and employee use/agriculture purposes only. The second driveway would be used exclusively for tasting room visitors to access the winery. The project proposal includes a painted dark bronze gate and stone veneer columns that match the winery to be installed at the visitor entrance.

The Traffic Analysis, dated January 28, 2016, prepared for the project by W-TRANS in accordance with the criteria established by the Napa County, and is consistent with the standard traffic engineering techniques. This Analysis was reviewed by Public Works Deputy Director and found to be acceptable. The project-related traffic impacts to the intersection of State Route (SR) 12/SR 121/SR 29 were also considered. Old Sonoma Road is a two-lane undivided highway that runs north-south in the study area, with eleven-foot travel lanes in each direction, and a posted speed limit of 45 miles per hour (MPH). Based on mechanical tube counts collected in October 2013, the average daily traffic (ADT) on Old Sonoma Road is approximately 4,500 vehicles per day on weekdays and 3,600 vehicles per day on weekend days. The study looked at existing and proposed trip generation rates, trip distribution, roadway segment operations, cumulative conditions, impacts to Old Sonoma Road intersections, and the County left-turn lane warrant.

Based upon this analysis, the proposed project would generate an average of 50 new weekday trips and 52 new weekend trips, including 19 weekday PM peak hour trips and 30 Saturday PM peak hour trips. Proposed conditions for a typical Saturday crush are calculated at 67 total trips and 38 PM peak trips. The Old Sonoma Road is currently operating acceptably and would be expected to continue operating acceptably under Cumulative Conditions with or without the proposed project. The marketing events proposed for the project will be conditioned to be held outside of traffic peak periods COAs 4.2 and 4.11 (Attachment B). Events would be scheduled to begin and end outside of normal traffic peak period of 4:00 p.m. to 6:00 p.m. for weekdays and 12:00 p.m. to 2:00 p.m. for weekend days. As a result, it was found that no significant event-related traffic impacts would be expected during the weekday p.m. or Saturday peak periods.

Cumulative operating conditions in the traffic analysis were determined by calculating the project's percentage contribution to the total growth in traffic from existing conditions. The 2007 update to the General Plan identifies Old Sonoma Road to operate at a LOS C under the 2003 conditions as well as under projected 2030 cumulative conditions. As compared to Napa County's LOS Standard of LOS D, Old Sonoma Road is expected to continue operating better than the County's standard with the higher volumes projected for the horizon year of 2030. Based on the limited number of project trips generated, as well as, the available capacity of Old Sonoma Road, Old Sonoma Road would be expected to operate acceptably under cumulative conditions. Regionally, the project is located northwest of the intersection of SR12/SR 121/SR29. Old Sonoma Road can be accessed from Napa, north of SR12/SR121/SR29, or at SR12-SR121/Old Sonoma Road, west of SR12/SR121/SR29. Based upon the submitted W-Trans Traffic Analysis, Old Sonoma Road is currently operating acceptably and would be expected to continue operating acceptably under cumulative conditions with or without the proposed project. Furthermore, the proposed project would be expected to result in minimal, if any, change to intersection delay at SR12/SR 121/SR29.

Sight distance along Old Sonoma Road at the project driveways was also evaluated based on sight distance criteria contained in the Highway Design Manual published by Caltrans. The recommended sight distance for minor street approaches that are a driveway are based on stopping sight distance. The approaching travel speeds were used as the basis for determining the recommended sight distance. Additionally, the stopping sight distance needed for a following driver to stop if there is a vehicle waiting to turn into a side street or driveway is evaluated based on stopping sight distance criterion and the approach speed on the major street. The posted speed on Old

Sonoma Road is 45 miles per hour, which would require a minimum stopping site distance of 360 feet. The available site distance from both driveways are greater than or equal to 360 feet in both the north and south directions. Therefore, the site distances at both project driveways were determined adequate.

The need for a left-turn lane on southbound Old Sonoma Road at the project driveways was also evaluated using Napa County's Left-Turn Lane Warrant, which is based on the ADT of the roadway and the projected ADT of the proposed use, as well as safety criteria. Based on the intended users of each driveway, the employee driveway is expected to generate an ADT of 19 vehicle trips while the tasting room driveway has an anticipated ADT of 31 vehicle trips per weekday. Under Existing plus Project conditions, with approximately 4,500 vehicles per weekday on Old Sonoma Road, the proposed project volumes would not exceed the left-turn lane warrant threshold on Old Sonoma Road at either driveway.

The project is proposing 12 parking spaces. Staff believes this number of parking spaces is commensurate with the proposed number of employees and visitation given scheduling of by appointment tours and tastings throughout the day. The proposed parking will meet the anticipated parking demand and will avoid providing excess parking. During large marketing events, the applicant proposes to use valet parking service on the crush pad and outdoor work areas.

Grape Sourcing – The existing parcel consists of approximately 4.58 vineyards. Approximately 0.89 acres of vineyards will be removed for construction of the winery and 0.20 acres of new vineyards will be planted resulting in a total of 3.89 acres vineyards to be used for wine production. This represents 2% of the grapes to be used toward production. However, the Truchard Family currently farms 270 acres of grapevines on 400 acres over 15 parcels in the Carneros region. Therefore, the remaining 98% are proposed to be supplied by these vineyards resulting in compliance with the 75% rule required in the Winery Definition Ordinance. It should be noted that although the Truchard Family has an existing 60,000 gallon winery located at 3234 Old Sonoma Road, the Truchard Family will still have significant excess grapes from their existing vineyard holdings in the area resulting in the remainder of their fruit to continue to be sold to their long-term clients.

Public Comments – At the time of staff report preparation, 22 letters in support of the project were received, as well as, comments received from Caltrans back on May 17, 2017, as attached to this report (Attachment D). The letter from Davidon Homes and Perkins Coie is found in Attachment E.

### **Decision Making Options:**

As noted in the Executive Summary Section above, staff is recommending approval of the project 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 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 100,000 gallon per year winery and variance request. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. Staff has reviewed the Variance request and based upon the evidence submitted and believes the findings can be met. The requested visitation and marketing program is similar in size to those of 100,000 gallon per year production wineries with by appointment visitation and marketing activities. Furthermore, sufficient water is available to implement the project under two scenarios, the applicant proposes to incorporate GHG reduction measures as part of the project, and there will be no significant environmental impacts to the site given application of mitigation measures.

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 less than significant.

#### Option 2 - Reduced Project Alternative

Disposition - This option would reduce production, visitation and marketing program numbers, and/or the building size commensurate with the 11.52 acre parcel and similar other parcel sized wineries thereby further reducing the distance of the proposed variance request. However, based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting a reduction in the project.

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

#### Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit and Variance, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit and Variance is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

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

#### Option 4 - Continuance Option

The Commission 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 . Updated Initial Study/Mitigation Negative Declaration
- D . Public Comments
- E . Public Comment - Davidon Homes & Perkins Coie
- F . Use Permit Application Packet
- G . Variance Application Packet
- H . Water Availability Analysis
- I . Wastewater Feasibility Study
- J . Traffic Study
- K . Geotechnical Study Report
- L . Stormwater Control Plan & BMPs
- M . Applicant's Response to Public Comments

N . Graphics

O . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: David Morrison