

**NAPA COUNTY
 CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
 1195 Third Street, Rm 210 Napa, California 94559 (707) 253-4416**

APPLICATION FOR A VARIANCE

FOR OFFICE USE ONLY

ZONING DISTRICT: AP
 REQUEST: _____

File No: P14-00305
 Date Filed: 9-23-14
 Date Published: _____
 Date Posted: _____

ZA CDPC BS

Hearing: _____
 Action: _____

TO BE COMPLETED BY APPLICANT

Applicant's Name: George Grodahl Telephone #: 707-944-1835

Address: 4 Vineyard View Drive Yountville California 94599
 number street city state zip

Status of Applicant's Interest in Property: Owner

Property Owner's Name: Same as above Assessor's # 034-150-026

Address: Same as above Telephone #: same as above

REQUEST: Variance to section 18.104.230 (setback from private road used by the public, Vineyard View Driv) to construct a new winery on 40 acres of land

**PLEASE EXPLAIN ON THE REVERSE SIDE OF THIS FORM THE REASONS THAT
 THE VARIANCE REQUEST SHOULD BE APPROVED**

I certify that all the information contained in this application is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

X George Grodahl 8/14/14 X George Grodahl 8/14/14
 Signature of Applicant Date Signature of Property Owner Date

Submit with a check or money order payable to the County of Napa. The full application fee for a variance is \$1120.00

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

\$1010.00 _____ Received By _____
 Receipt Number Conservation Development & Planning Department Date

Pre-application Receipt No. _____ Date: _____

12345\555416.1 all fees under Use Permit # P14-00304

RECEIVED

AUG 25 2016

Napa County Planning, Building
& Environmental Services

August 25, 2016

Emily Henderson, Planner III
Department of Planning, Building and Environmental Services
County of Napa
1195 Third Street, suite 210
Napa, California 94559

Re: Chanticleer Winery Use Permit #P14-00304 & Variance Application #P14-00305.
4 Vineyard View Drive, Yountville APN 034-151-045

Dear Mrs. Henderson:

The purpose of this letter is to supplement information previously provided to your office in support of our variance application. We believe that the evidence provided in this letter together with the information previously provided to you will confirm that:

1. The applicant will suffer practical difficulties and unnecessary hardships if the requested variance is denied;
2. These hardships result from special circumstances relating to the property that are not shared by other properties in the area, and were not created by any act of the owner; and
3. The variance is necessary to bring the applicant into parity with other property owners in the same zone and vicinity.¹

Proposal/Project Setting

The current application includes removing an existing 3,500 s.f. barn and replacing it with a 4,000 case winery and wine caves. The first floor of the winery would be constructed within the footprint of the located within the footprint of the existing barn, with a second floor above. The proposed winery is located on a gentle southeast-facing slope while the remainder of the site is steeply sloped, planted in vineyard or contains sensitive oak woodland habitat as shown on sensitivity maps on file with the County. The property has two other gently sloping areas, both fully developed. One area contains the existing guest cottage and carport, the other area includes the main residence and garage.

¹ Memorandum from County Counsel Op. Cit., page 3

A. Findings in Support of Issuing a Variance

1. Denial of the Variance Would Pose a Hardship to the Applicant

An unnecessary hardship occurs where the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as peculiarities of the size, shape or grade of the parcel. The hardship must arise due to features inherent to the property, such as due to physical features mentioned above. The hardship must relate to a unique condition of the property and not created by an act of the owner.

In the case of the proposed project, by utilizing the existing footprint the applicant retains the maximum amount of vineyard acreage and minimizes the cost of development by reducing the amount of grading, and infrastructure necessary to support the proposed winery as compared to locating the proposed winery 300' from Vineyard View Drive. To wit:

- Income Loss from Permanent Vineyard Removal. Locating the proposed winery 300' from Vineyard View Drive will result in a permanent loss of 0.80 acres of vineyard (12% of the existing vineyard) vs. 0.25 acres (3.6% of the existing vineyard) if the winery were constructed where proposed. A permanent incremental loss of 0.55 acres. According to the applicant, each vineyard acre yields 4 tons. 0.55 acres yield 2.2 tons. At a value of \$8500 per ton, an annual loss of \$18,700 would be projected for the permanent loss of 0.55 acres taken out of production if the winery is built in compliance with the 300' setback.² Conservatively, the life span of a vineyard is 25 years. **An annual loss of \$18,700 over a 25-year life span would result in a loss of approximately \$467,500.** A severe hardship resulting from denial of the requested variance!
- Inability to Replace Lost Vineyard land or Vineyards. Replacing the additional vineyard land that would be lost by locating the winery 300' from Vineyard View Drive is another hardship that would be avoided if the winery is approved in its approved location. The applicant recently completed the purchase a small portion of vineyard property from the CK Mondavi organization as part of a recently approved lot line adjustment. As documented in the attached letter, the market value per acre for vineyard land was \$250,000 per acre. **The incremental value of the 'lost' 0.55 acres approximates \$137,500.**

Likewise, replacement of the 'lost' 0.55 acres of vineyard on site (requiring a total land area of approximately 1 acre when vine rows and turnaround areas are factored in) would require the removal of existing heritage oaks

² Correspondence from T and M Agricultural Services, dated August 22, 2016 (attached)

and impact existing oak woodlands or extensive earthmoving on undeveloped slopes that exceed 30%. Oak woodlands are deemed to be sensitive habitat and removal is contrary to existing county policy.³ Similarly, cultivation on 30% slopes is contrary to the intent of the county's conservation regulations to minimize earthmoving and grading and to preserve impacts on steep slopes and landforms.⁴ Replacement of existing vineyards on steeply sloping portions of the property and/or that require the removal of sensitive habitat is contrary to county policy and render the replacement of this 'lost' acreage problematic. Unlike the adjacent Keever Winery parcel which was issued a variance in 2003, the combined constraints of sensitive habitat and 30% slope limits the ability of the applicant to replace this lost vineyard acreage on his property when compared to the Keever parcel. RSA+ has calculated the area of sensitive for each of the parcels based upon environmental sensitivity maps available from the planning department and the Watershed Information and Conservation Counsel (WIIC) website. The habitat area comparing the Chanticleer Winery parcel with the Keever Winery parcel is shown in table 1 below, excerpted from Exhibit A enclosed with this letter.

Table 1

Parcel Number	Parcel Area	Acreage within Sensitive Habitat	Percentage of Parcel Affected by Sensitive Habitat	Percentage of Parcel Affected by Slopes >30%
034-150-045*	40.00	13.48	34%	47%
034-150-016 (Keever Winery)	21.11	3.44	16%	39%

***Bold** indicates Chanticleer Winery parcel

The uncertainty to replace lost vineyard land on the Chanticleer Winery parcel when compared to the Keever Winery parcel as result of 30%+ slope and sensitive habitat is a hardship for the applicant and deprives the applicant of property rights enjoyed by the Keever winery where replanting of lost vineyard land is more feasible. This lack of parity is further discussed in section 3 below.

³ Napa County General Plan, Policy 17, Conservation Element

⁴ Napa County Conservation Regulations, section 18.108.010

- Increased Development and Cumulative Costs. The winery is proposed to be located on an existing building footprint 55' from the centerline of Vineyard View Drive. The requirement to locate the winery 300' from the centerline of Vineyard View Drive would result in substantially greater development costs when compared to the proposed location. Incremental costs associated with setback compliance are listed in the table 2 below:

Table 2

Development Components	Proposed Location	Compliant Location	Cost Differential
Grading/Earthmoving:			
<ul style="list-style-type: none"> • Rough Grading (in cu.yds) • Costs 	500 \$36,950	2,300 \$93,725	\$ 56,775
Utility Extension			
<ul style="list-style-type: none"> • Lineal feet of storm drain, and water supply • Costs (storm drain, water supply, and wastewater) 	2750 \$359,600	3260 \$375,000	\$ 15,400
Site Work (paving, retaining walls, retention basins)	\$227,200	\$267,100	\$ 39,900
Total Cost	\$623,750	\$735,825	\$112,075

Costs are derived from Engineer's Preliminary Estimate of Probable Costs, dated August 23, 2016 prepared by RSA+, incorporated by reference.

In summary, denial of the requested variance would result in a hardship to the applicant by:

- Resulting in a permanent loss of up to 0.55 of mature vineyard land that over a average annual loss of \$18,700 of revenue or a lifetime loss of over \$467,000
- A permanent loss of vineyard land which to replace it through purchase would

- result in a cost of over \$137,000. Further due to development constraints of steep slopes, and existing oak woodland habitat and would deprive the applicant of the ability to replace the loss vineyard land on site as compared to the adjacent Keever Winery parcel that was issued a variance to the 300' winery setback; and
- c) Significantly increase the incremental costs (and potential visual and environmental impacts) associated with the development of the winery in a compliant vs. the proposed location. The incremental costs are upwards of \$112,000 as documented in the engineers estimate above.

When the incremental costs of compliant development are added to the permanent revenue lost with permanent vineyard removal, and the uncertain outcome of replacing lost vineyard land on-site and the costs of replacing suitable vineyard land off-site is considered in total, the hardship to the applicant through denial of the requested variance is readily apparent.

2. This Property Has Unique Circumstances That Are Not Shared By Other Properties in the Vicinity

A key question in conducting this analysis is defining "other properties in the area" or what constitutes "the vicinity." A property in the area/vicinity is defined as those properties within 1000' of the boundaries of the subject property that are eligible for winery development (i.e. 10 acres or larger). The 1000' coincides to the public notice boundaries recently adopted by the County.

The properties included in the analysis below are:

- 034-150-016
- 034-150-021
- 034-150-032
- 034-150-033
- 034-150-034
- 034-150-046

While the Yountville Veterans Home is within the 1000' notification area, development on that parcel is exempt from county zoning requirements and is under the jurisdiction of the State of California. It is not included in this analysis.

The subject property is subject to a number of special circumstances applicable to the property that, in toto are not shared by others in the vicinity. By way of example, irregularly shaped and narrow lots with setbacks that limit the amount of overall developable area are all valid examples that constitute special circumstances. Special circumstances relate to an existing condition of the property, not created by any act of the owner. For the subject parcel the following existing conditions were compared with properties in the vicinity:

- Parcel shape (width to depth)

- Topography (% of parcel >30% slope)
- Lineal feet of Vineyard View Drive
- Impacts of Winery setback (% of parcel within 300' setback area)
- Extent of Oak Woodland habitat

The following table, compares parcels in the vicinity of the subject parcel with the Chanticleer Winery parcel for the first four attributes listed above. A comparison of area affected by sensitive habitat on the Chanticleer Winery and Kever Winery parcel is shown in Table 1 above.

Table 3

Parcel Number	Parcel Area	Depth/Width Ratio*	Lineal Feet of Vineyard View Drive	Area Within 300' Setback (acres)	% of Parcel Area Affected by 300' Setback	% of Parcel >30% Slope
034-150-045**	40	12:1	950'	16.75	42	47%
034-150-016***	21.11	2:1	490'	8.24	39	39%
034-150-021	20.83	3:1	79	2.28	11	47%
034-150-032	79	2:1	0	0	0	86%
034-150-033	65	1:1	0'	0	0	84%
034-150-034	62.63	5:1	543'	2.60	4	78%
034-150-046	97	3:1	0'*****	0	0	1%

*Rounded to nearest whole number

** The **bold** indicates the proposed winery parcel

***This is the location of the Kever Winery. A variance to the required winery setback was granted to this winery in 2003 (#02586-VAR).

**** While it appears that Vineyard View Drive borders this property, it is not subject to a 300 foot setback from it as Vineyard View Drive is not contiguous to the parcel and thus pursuant to 18.104.235(A)(2) no setback is required for future winery development.

As documented in the table 3 above:

- The Chanticleer Winery property has by far and away the largest area encumbered by the required winery setback (42% of the parcel)

- b) The extent of the parcel affected by the required winery setback from Vineyard View Drive (16.75 acres) as a result of the 950 lineal feet of Vineyard View Drive; and
- c) Has the most unique shape with the depth to width ratio of 12:1 when compared to any other parcel in the vicinity.

3. Approval of a Variance Will Allow the Applicant to Achieve Parity

As demonstrated in section A1 above, denial of the requested variance would result in a severe hardship for the applicant due to permanent loss of revenue, increased infrastructure costs and the costs of purchasing vineyard land to replace the incremental loss due to winery setback compliance. Beyond hardship approval of the requested variance would allow the applicant to achieve parity with another property in the same zone and vicinity.

The Keever Winery located on the adjacent parcel (034-151-016) was issued a variance and use permit to allow for the construction of new 20,000 gallon/year winery within the footprint of an existing 8,000 s.f. barn. Under circumstances less limiting than on the applicant's property, the County granted a variance to allow the winery to be constructed on a previously developed and disturbed portion of the site within the required 300' setback, without the removal of existing vineyard. The applicants proposal requests a similar authorization, with the parcel exhibiting more constraints to development than the Keever Winery that was granted a variance to 300' winery setback from Vineyard View Drive. By comparison, the Chanticleer Winery property:

- a) Has a greater percentage of the property in slopes greater than 30% than does the Keever parcel (47% vs. 39%)⁵;
- b) Has more of the parcel impacted by the 300' winery setback when compared to the Keever parcel (42% vs. 39%)⁶;
- c) Has a smaller percentage of the parcel that is free of combined constraints (driveway setback, 30% slope and habitat)—15% for the Chanticleer Winery parcel vs. 35% for the Keever Winery parcel;⁷ and
- d) Would require the removal of 0.80 acres of mature vineyard from permanent production while the Keever parcel required no mature vineyard to be removed for winery construction

In summary, the Chanticleer Winery parcel has unique circumstances peculiar to the property that is not shared by other properties in the vicinity of the parcel. The Chanticleer Winery property is narrower, has more parcel area affected by the required 300' setback than any other parcel in the vicinity. Severe hardships to the applicant

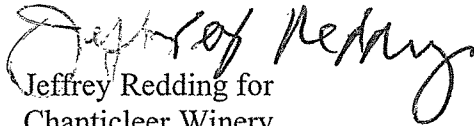
⁵ Pursuant to attached Exhibit A "Chanticleer Winery Adjacent Parcels Slope Exhibit", dated August 23, 2016 prepared by RSA+

⁶ Pursuant to Exhibit D- "Chanticleer Winery Road Setback on Adjacent Parcels (300' Setback)", dated August 23, 2016, prepared by RSA+

⁷ Exhibit C—Adjacent Parcel Constraints, prepared by RSA+, dated August 23, 2016 and incorporated by reference

would result from denial of the variance; i.e., permanent loss of revenue, permanent loss of vineyard land. Finally, approval of the variance to the 300' setback would bring the applicant into parity with the adjacent Keever Winery located in the same zone and vicinity.⁸ Denial of the requested variance in the face of hardships unique to the Chanticleer property not shared by the Keever Winery parcel puts the applicant at a disadvantage vis a vis other landowners in the vicinity and would result in a severe hardship for the applicant.

Sincerely,


Jeffrey Redding for
Chanticleer Winery

CC: Client
✓ Charlene Gallina, Supervising Planner
Chris Appallas, Deputy County Counsel
Bruce Fenton, RSA+

Enclosures:

- Letter dated August 22, 2016 from T and M Agricultural Services LLC attesting to the per ton selling price for Chanticleer Winery Cabernet grapes
- Letter dated August 18, 2016 attesting to the value of vineyard property
- Engineer's Preliminary Estimates of Probable Costs, dated August 23, 2016 prepared by RSA+
- Exhibits dated August 23, 2016, prepared by RSA+, dated August 23, 2016
- Adopted Findings Granting Winery Setback Variance, Melka Winery Silverado Variance, March 4, 2015

⁸ Memorandum from County Counsel Op. Cit., page 3

T AND M
AGRICULTURAL SERVICES LLC

August 22, 2016

To whom it may concern,

T & M Agricultural Services is a vineyard management firm with 23 vineyards under contract throughout Napa Valley. We have been the vineyard manager for Chanticleer for the past 15 years.

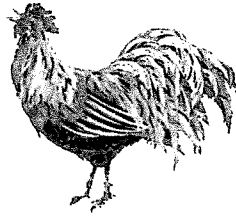
Part of our service is to assist clients in finding buyers for their grapes. While we do not represent Chanticleer in the sale of their grapes, we are intimately familiar with the vineyard and the quality of their grapes. It is my professional opinion that grapes from this well established hillside vineyard would be sold at a premium price in the market. I estimate that the Cabernet Sauvignon grapes would sell for \$8500 per ton in the open market.

Please feel free to contact me if you need additional information.

Sincerely,



Mark Oberschulte
Managing Partner
T and M Agricultural Services LLC
PO Box 122
St. Helena, CA 94574
707-963-3330



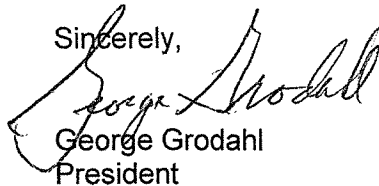
**Chanticleer
4 Vineyard View Drive
Yountville, Ca. 94599
707 944 0799**

August 18, 2016

To Whom it may concern,

In July, 2014 Chanticleer (George Grodahl) completed the purchase of a small portion of vineyard property from the CK Mondavi organization. The value placed on the land was \$250,000/acre. The parcel purchased (.066 acres) is immediately adjacent to the Chanticleer Vineyard and should be a very valid comparable.

Sincerely,



George Grodahl
President

4112060.0
 August 23, 2016
 DJS



CHANTICLEER WINERY - PRELIMINARY OPINION OF PROBABLE COST
 Napa, California
 CIVIL SITE WORK

DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
GRADING & MISCELLANEOUS				
Clearing and Grubbing	1	l.s.	\$ 3,000.00	\$ 3,000.00
Rough Grading - Cut & Export	500	c.y.	\$ 20.00	\$ 10,000.00
Rough Grading - Fill	200	c.y.	\$ 3.75	\$ 750.00
Overexcavation & Recompatation	10,000	s.f.	\$ 1.00	\$ 10,000.00
Utility Backfill	400	ton	\$ 23.00	\$ 9,200.00
Erosion Control	1	l.s.	\$ 3,000.00	\$ 3,000.00
Erosion Control Maintenance	1	l.s.	\$ 1,000.00	\$ 1,000.00
			Subtotal	\$ 36,950.00
ON-SITE WORK				
4" PCC / 4" CL II AB	5,600	s.f.	\$ 8.00	\$ 44,800.00
CL II AB	4,500	s.f.	\$ 2.00	\$ 9,000.00
Vertical Curb	50	l.f.	\$ 30.00	\$ 1,500.00
Retaining Wall	2,930	s.f.	\$ 55.00	\$ 161,150.00
Striping	1	l.s.	\$ 750.00	\$ 750.00
Bioretention Basin (AB + Soil)	500	s.f.	\$ 20.00	\$ 10,000.00
			Subtotal	\$ 227,200.00
STORM DRAIN				
CB 2424	6	each	\$ 1,500.00	\$ 9,000.00
6" Storm Drain	100	l.f.	\$ 35.00	\$ 3,500.00
12" Storm Drain	60	l.f.	\$ 40.00	\$ 2,400.00
Clean Out	3	each	\$ 400.00	\$ 1,200.00
4" Perf. Subdrain	80	l.f.	\$ 30.00	\$ 2,400.00
Swale	250	l.f.	\$ 10.00	\$ 2,500.00
			Subtotal	\$ 21,000.00
WASTEWATER				
Wastewater System	1	l.s.	\$ 250,000.00	\$ 250,000.00
			Subtotal	\$ 250,000.00
WATER SUPPLY				
2" Water Line (Domestic)	1,200	l.f.	\$ 25.00	\$ 30,000.00
6" Water Line (Fire)	1,300	l.f.	\$ 40.00	\$ 52,000.00
Fire Hydrant Assembly	1	l.s.	\$ 6,600.00	\$ 6,600.00
			Subtotal	\$ 88,600.00

COST SUMMARY

GRADING	\$	36,950.00
ON-SITE WORK	\$	227,200.00
STORM DRAIN	\$	21,000.00
SEPTIC	\$	250,000.00
WATER SUPPLY	\$	88,600.00
10% CONTINGENCY	\$	62,375.00
Total	\$	686,125.00

4112060.0
 August 23, 2016
 DJS



CHANTICLEER WINERY RELOCATION - PRELIMINARY OPINION OF PROBABLE COST
 Napa, California
 CIVIL SITE WORK

DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
GRADING & MISCELLANEOUS				
Clearing and Grubbing	1	l.s.	\$ 5,000.00	\$ 5,000.00
Rough Grading - Cut & Export	2,300	c.y.	\$ 20.00	\$ 46,000.00
Rough Grading - Fill	500	c.y.	\$ 3.75	\$ 1,875.00
Overexcavation & Recompatation	23,350	s.f.	\$ 1.00	\$ 23,350.00
Utility Backfill	500	ton	\$ 23.00	\$ 11,500.00
Erosion Control	1	l.s.	\$ 4,500.00	\$ 4,500.00
Erosion Control Maintenance	1	l.s.	\$ 1,500.00	\$ 1,500.00
			Subtotal	\$ 93,725.00
ON-SITE WORK				
3.5" AC / 6" CL II AB	5,700	s.f.	\$ 7.00	\$ 39,900.00
4" PCC / 4" CL II AB	5,600	s.f.	\$ 8.00	\$ 44,800.00
CL II AB	4,500	s.f.	\$ 2.00	\$ 9,000.00
Vertical Curb	50	l.f.	\$ 30.00	\$ 1,500.00
Retaining Wall	2,930	l.f.	\$ 55.00	\$ 161,150.00
Striping	1	l.s.	\$ 750.00	\$ 750.00
Bioretention Basin (AB + Soil)	500	s.f.	\$ 20.00	\$ 10,000.00
			Subtotal	\$ 267,100.00
STORM DRAIN				
CB 2424	4	each	\$ 1,500.00	\$ 6,000.00
6" Storm Drain	100	l.f.	\$ 35.00	\$ 3,500.00
12" Storm Drain	60	l.f.	\$ 40.00	\$ 2,400.00
Clean Out	3	each	\$ 400.00	\$ 1,200.00
4" Perf. Subdrain	80	l.f.	\$ 30.00	\$ 2,400.00
Swale	140	l.f.	\$ 10.00	\$ 1,400.00
			Subtotal	\$ 16,900.00
WASTEWATER				
Wastewater System	1	l.s.	\$ 250,000.00	\$ 250,000.00
			Subtotal	\$ 250,000.00
WATER SUPPLY				
2" Water Line (Domestic)	1,500	l.f.	\$ 25.00	\$ 37,500.00
6" Water Line (Fire)	1,600	l.f.	\$ 40.00	\$ 64,000.00
Fire Hydrant Assembly	1	l.s.	\$ 6,600.00	\$ 6,600.00
			Subtotal	\$ 108,100.00

COST SUMMARY

GRADING	\$	93,725.00
ON-SITE WORK	\$	267,100.00
STORM DRAIN	\$	16,900.00
SEPTIC	\$	250,000.00
WATER SUPPLY	\$	108,100.00
10% CONTINGENCY	\$	73,582.50
Total	\$	809,407.50

Exhibit A

FINDINGS

Melka Winery

Use Permit Application № P14-00208 and Variance № P14-00209

2900 Silverado Trail, St. Helena, Calif., 94574

Assessor's Parcel №. 021-352-041

ENVIRONMENTAL DETERMINATION

The Planning Commission (Commission) has received and reviewed the proposal pursuant to the provisions of the California Environmental Quality Act (CEQA), and finds that:

1. The project is Categorically Exempt, pursuant to the California Environmental Quality Act, Section 15301 [See Class 1 ("Existing Facilities")]; Section 15303 [See Class 3 ("New Construction or Conversion of Small Structures")]; and Section 15304 [See Class 4 ("Minor Alterations to Land")], which may be found in the guidelines for the implementation of the California Environmental Quality Act; and, Section 15061(b)(3), General Rule, where there is no potential for causing a significant environmental effect. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

VARIANCE

The Commission has reviewed the variance request in accordance with the requirements of the Napa County Code §18.124.060 and makes the following findings:

2. That the procedural requirements set forth in Chapter 18.128.060 have been met.

Analysis: An application and required processing fees has been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the proposed winery buildings have also been submitted. Noticing and public hearing requirements have been met.
3. 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.

Analysis: The proposal herein is to convert an existing second unit which is 2,309 square feet and construct a winery production building of 2,675 square feet within the 600 foot required setback from Silverado Trail. The proposed location of the new building is within a previously disturbed portion of the site. The existing building is at the terminus of the existing driveway from Silverado Trail. Alternate locations outside the 600 foot setback

Page 1 of 5

Melka Winery

Use Permit Modification № P14-00208 and Variance № P14-00209

from Silverado Trail would require further grading, as well as construction on slopes over 30%, removal of native vegetation and trees, and additional impervious surfaces in the form of access roads. The location of the buildings would have the least environmental impact on the property. The slope of the property ranges from zero to 30% and the proposed location has a slope of two percent.

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

Analysis: The property is located within the Agricultural Watershed zoning district in which wineries are permitted upon approval of a use permit. The predominate portion of the developable site is located within the required 600 foot setback from Silverado Trail. Any winery development on this site would require a variance. Additionally, the granting of this variance would not confer a special privilege as the subject parcel contains a unique combination of existing development and regulatory constraints, namely slope and environmental constraints due to tree coverage.

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

Analysis: There is nothing included in the variance proposal that would result in a measurable impact on the public health, safety, or welfare of the County of Napa. Construction of the new winery 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 setback will not adversely affect the health or safety of persons residing or working in the neighborhood of the property. The proposed winery structures would be located in a clustered development with existing buildings. There have been no adverse impacts to public health, safety or welfare from the existing pre-1990 buildings. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure protection of public health and safety.

6. In the case of groundwater basins identified as "groundwater deficient areas" under Section 13.15.010, grant of the variance would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins in Napa County, unless that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code.

7. Grant of the variance in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that the grant of the variance might cause a significant adverse effect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Analysis: There is nothing included in the variance proposal that would result in a measurable impact on groundwater. The projected water use for the project is 1.130 AF/YR. Existing water use for residential purposes is 0.283 AF/YR and will remain the same with the proposed project. Current water use for the vineyard is 0.209 AF/YR. The winery as part of the proposed project is expected to use 0.31 AF/YR. Landscaping currently utilizes 0.15 AF/YR and will increase to 0.35 AF/YR. There is a modest increase of water use as a result of the project from 0.842 AF/YR to 1.130 AF/YR and would not have an adverse effect on the groundwater basin. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for purposes of the application of the County's Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

8. In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in 13.15.010, regardless of the number of parcels served, grant of the variance would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to Chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that grant of the variance for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.

Analysis: The nearest public water supply is the City of St. Helena. The City's policy and Napa LAFCO policies do not support additional water connections outside the City's boundaries. There are no indications that the sphere of influence of St. Helena would be extended to include the Property. Based on the above, a connection to a public water system is not reasonably foreseeable.

USE PERMIT

The Board has reviewed the use permit request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings. That:

9. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the Property.

The project is consistent with AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code §18.08.640) and uses in connection with a winery (see Napa County Code § 18.20.030) are permitted in an AW-zoned district subject to use permit approval. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990, *as amended*) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

10. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.

The use permit application has been filed and noticing and public hearing requirements have been met. The hearing notice and notice of the categorical exemption were posted on February 7, 2015, copies of the notice were forwarded to property owners within 1000 feet of the Property.

11. The grant of a use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa.

Various County departments and divisions have reviewed the project and commented regarding water, traffic, access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of public health and safety.

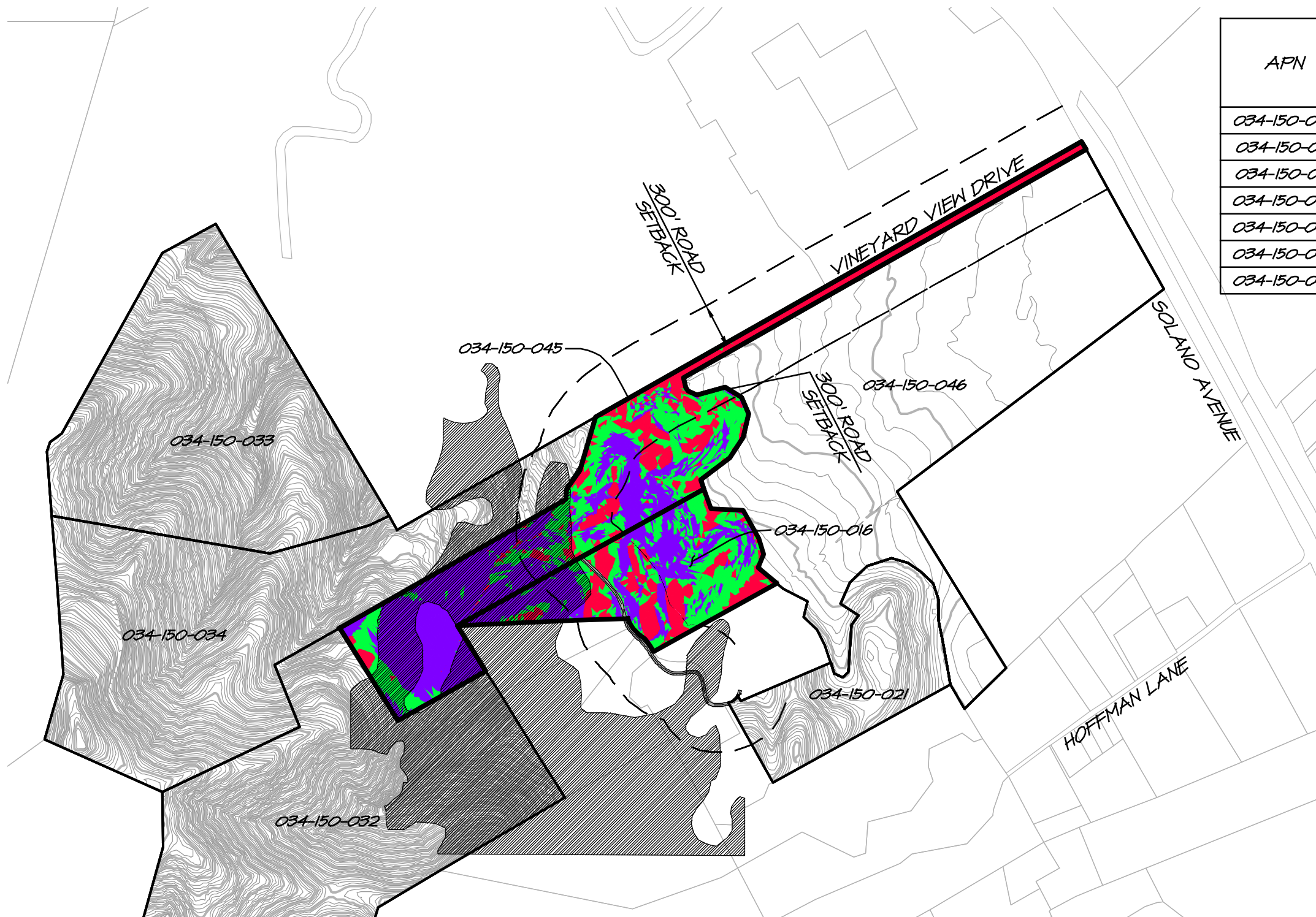
12. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990), the 2009-2010 Winery Definition Ordinance Update (Ord. No. 1340, 2010), and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), all as applicable.

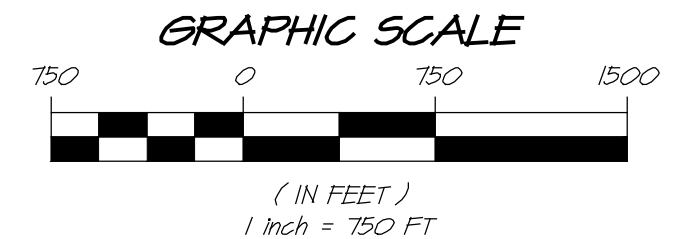
General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Agricultural Preservation and

CHANTICLEER WINERY EXHIBIT A - ADJACENT PARCELS SLOPE ANALYSIS



APN	PARCEL AREA (ACRES)	AREA >30% SLOPE (ACRES)	% OF AREA >30% SLOPE	AREA HABITAT (ACRES)	HABITAT AREA %
034-150-045	40.00	18.80	47%	13.48	34%
034-150-016	21.11	8.23	39%	3.44	16%
034-150-021	20.83	9.79	47%	0.00	0%
034-150-032	78.57	67.57	86%	20.44	26%
034-150-033	65.00	54.60	84%	0.00	0%
034-150-034	62.63	48.85	78%	4.78	8%
034-150-046	96.58	0.97	1%	0.00	0%

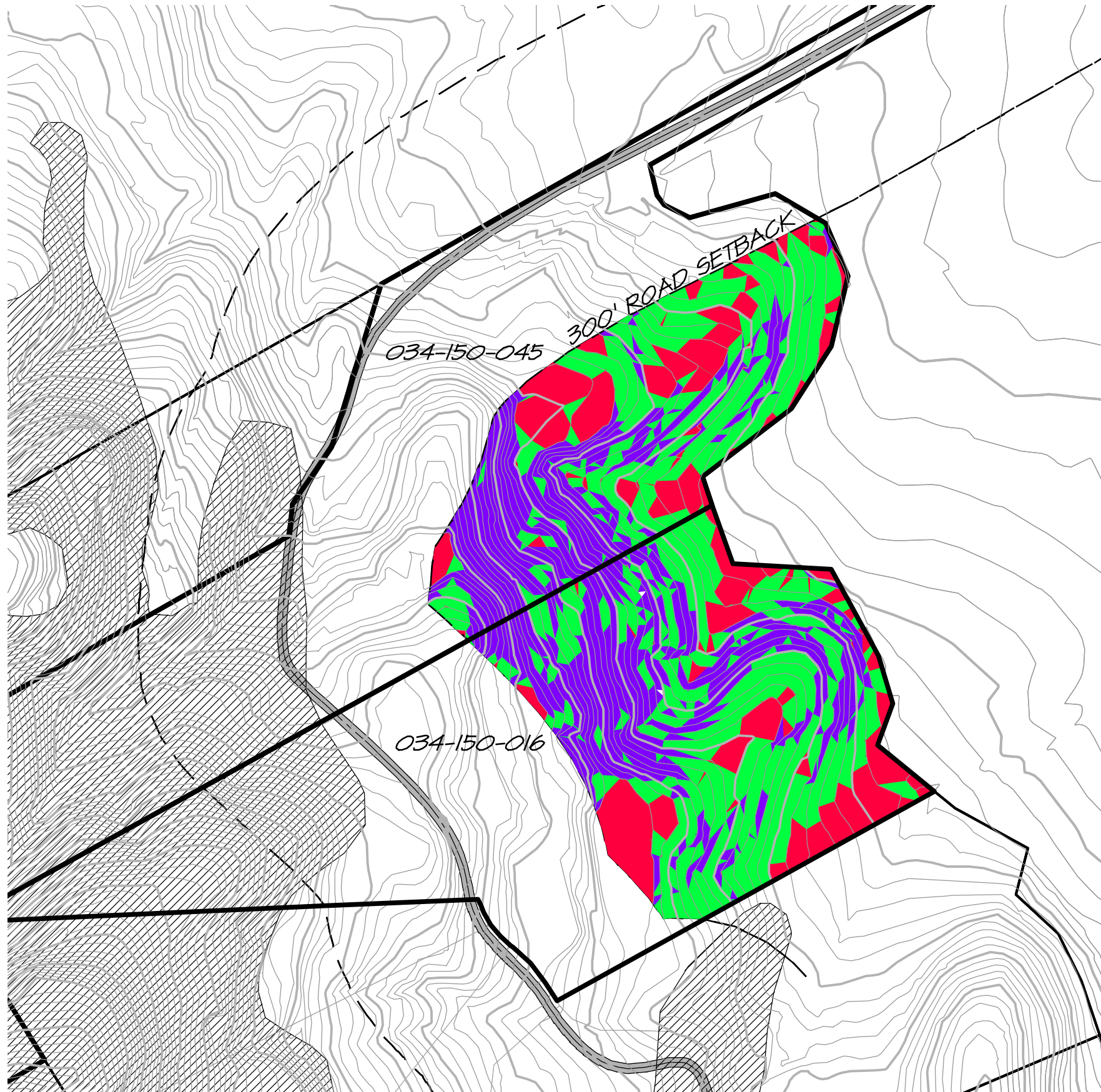
LEGEND	
■	0-15% SLOPE
■	15-30% SLOPE
■	>30% SLOPE
	SENSITIVE OAK WOODLAND HABITAT



RSA⁺	1515 FOURTH STREET NAPA, CALIF. 94559 OFFICE 707 252.3301 + www.RSAcivil.com +
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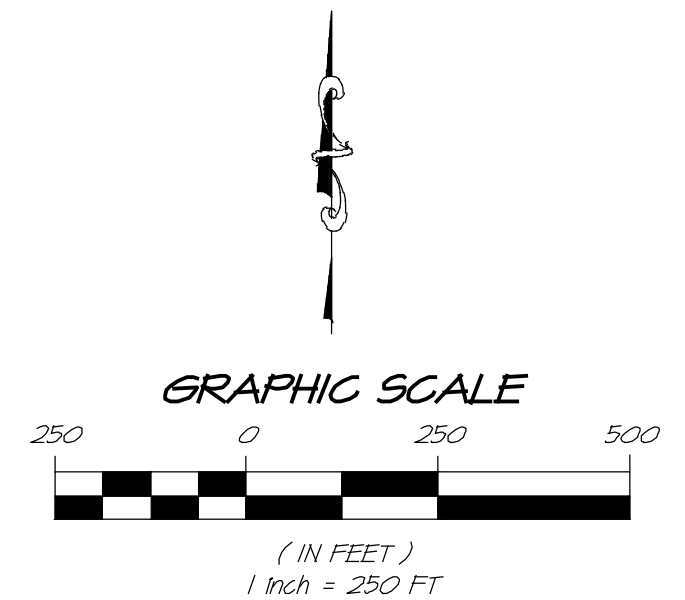
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CHANTICLEER WINERY EXHIBIT B - ADJACENT PARCEL SLOPE COMPARISON



AREA OUTSIDE OF DRIVEWAY SETBACK AND HABITAT AREA CONSTRAINTS			
APN	PARCEL AREA (ACRES)	AREA OUTSIDE OF CONSTRAINTS (ACRES)	AREA OUTSIDE OF CONSTRAINTS >30% SLOPE (ACRES)
034-150-045	40.00	8.01	2.71
034-150-016	21.11	10.59	3.62

LEGEND	
	0-15% SLOPE
	15-30% SLOPE
	>30% SLOPE
	SENSITIVE OAK WOODLAND HABITAT

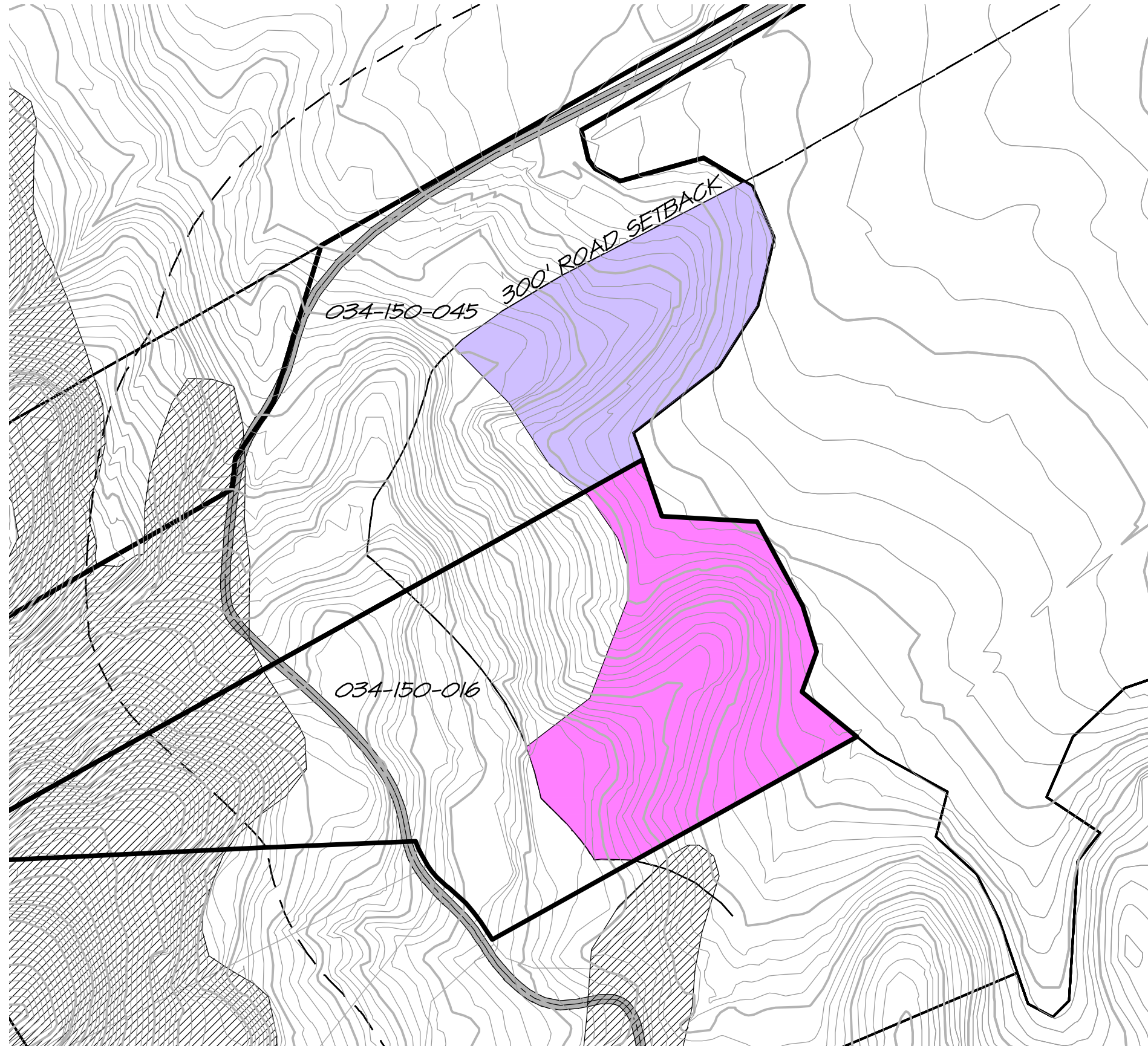


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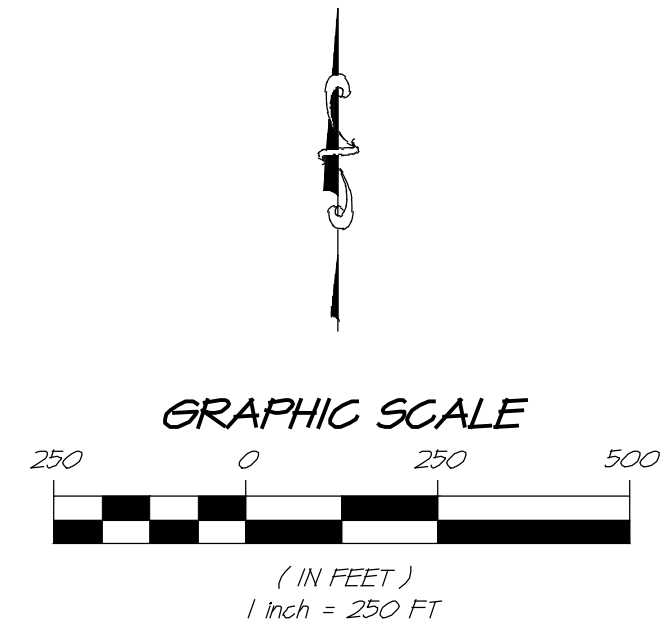
CHANTICLEER WINERY

EXHIBIT C - ADJACENT PARCEL CONSTRAINTS



AREA OUTSIDE OF DRIVEWAY SETBACK, SLOPE AND HABITAT CONSTRAINTS

APN	PARCEL AREA (ACRES)	AREA OUTSIDE OF CONSTRAINTS (ACRES)	% AREA OUTSIDE OF CONSTRAINTS
034-150-045	40.00	5.19	13%
034-150-016	21.11	7.31	35%

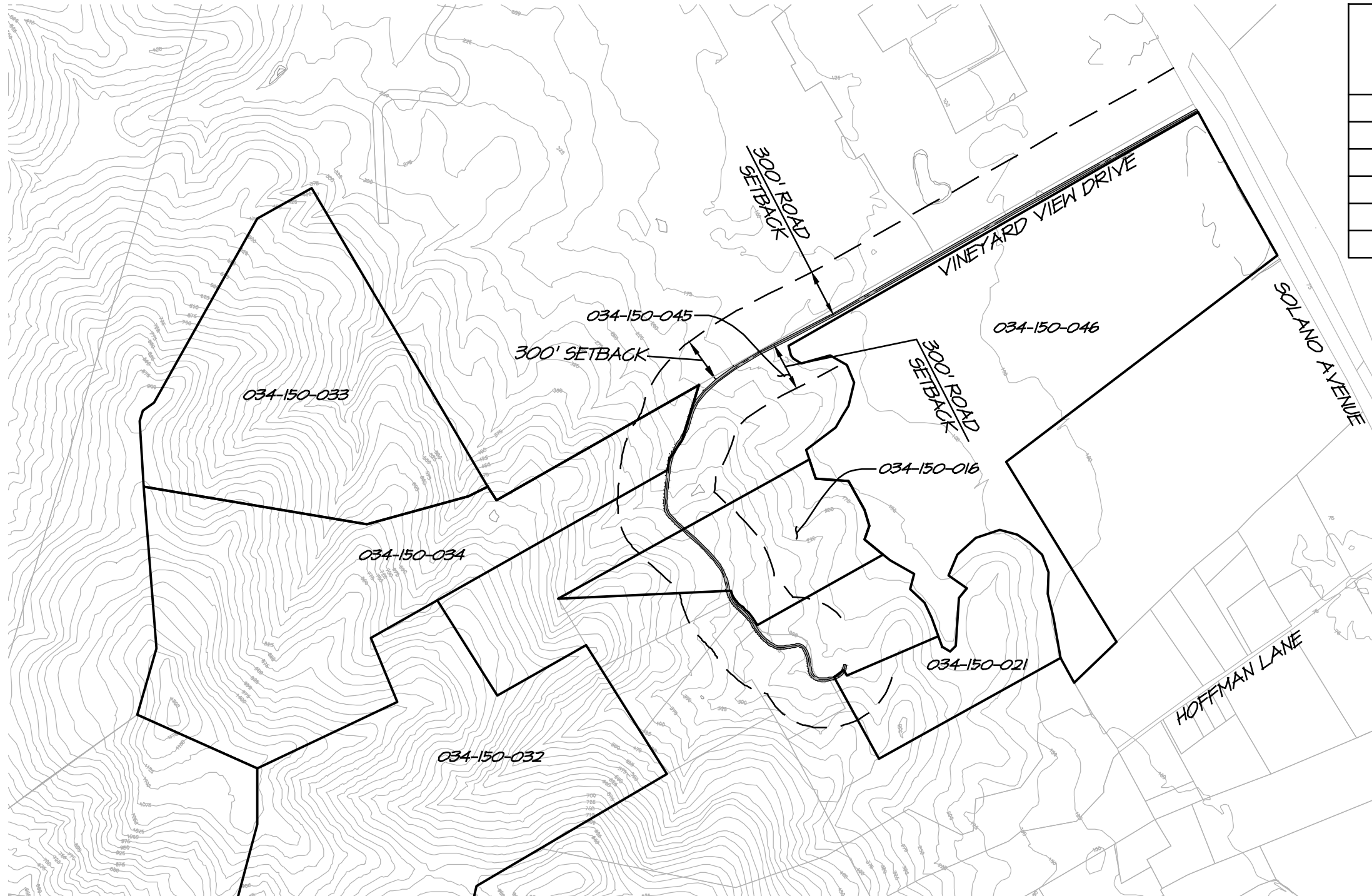


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+ www.RSAcivil.com +

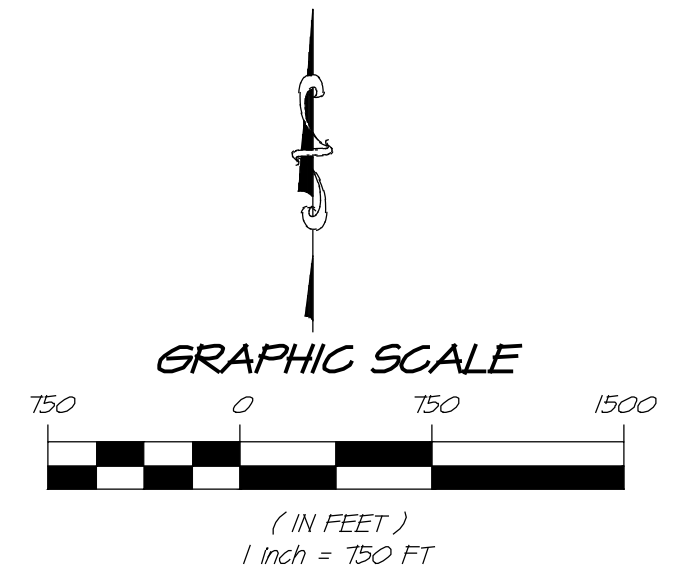
RSA⁺ | CONSULTING CIVIL ENGINEERS + SURVEYORS + est. 1980

CHANTICLEER WINERY

EXHIBIT D - ROAD SETBACK ON ADJACENT PARCELS



APN	PARCEL AREA (ACRES)	AREA WITHIN 300' SETBACK (ACRES)	% OF AREA WITHIN 300' SETBACK
034-150-045	40.00	16.75	42%
034-150-016	21.11	8.29	39%
034-150-021	20.83	2.28	11%
034-150-032	78.57	0	0
034-150-033	65.00	0	0
034-150-034	62.63	2.60	4%

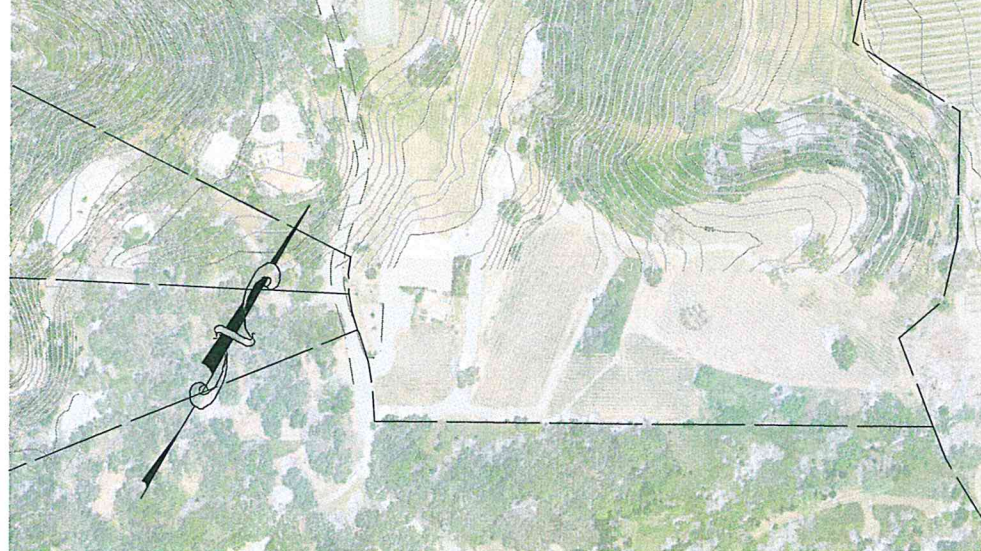
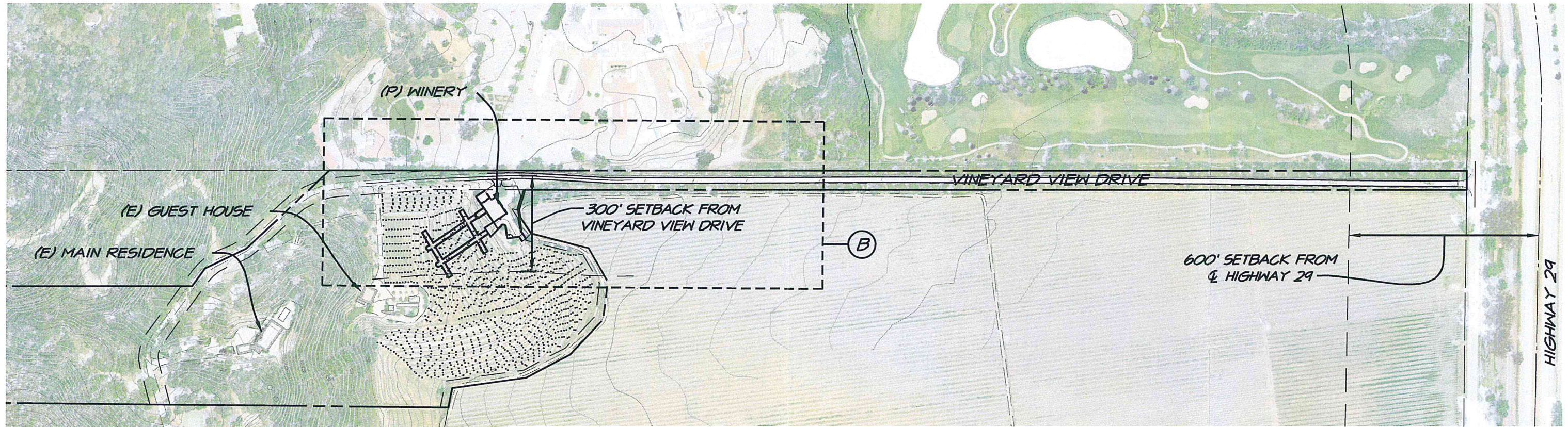


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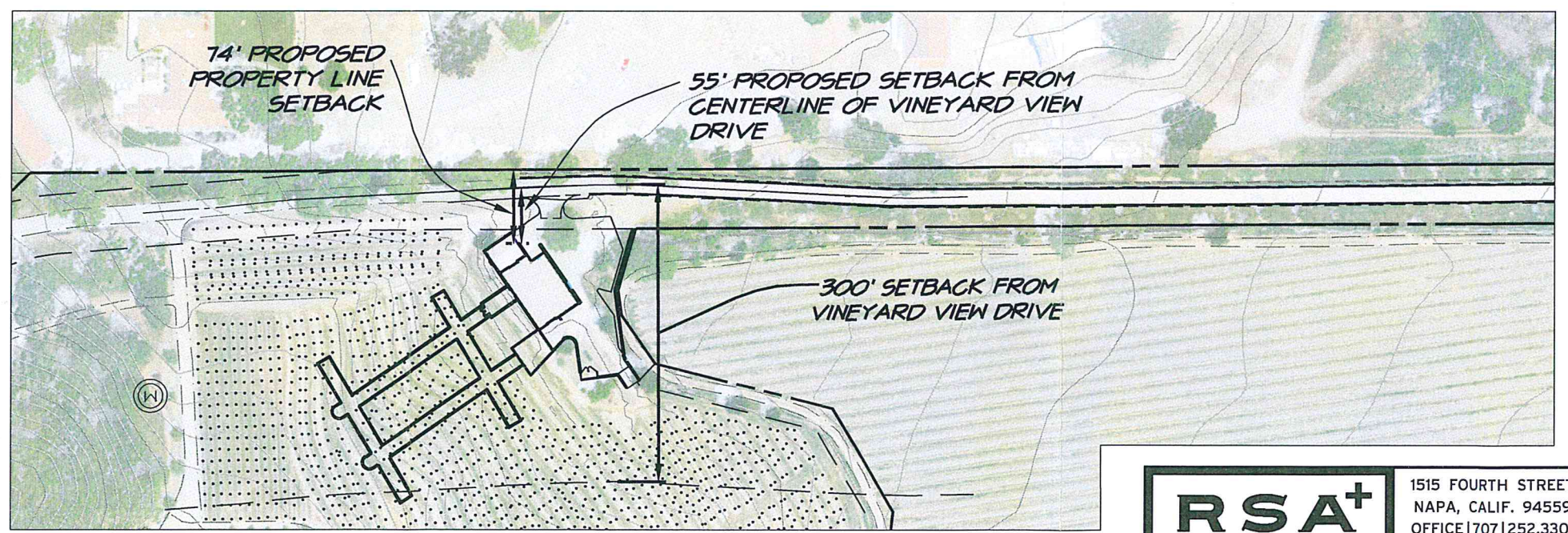
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CHANTICLEER WINERY VARIANCE EXHIBIT



A SITE LAYOUT

SCALE: 1" = 300'



B SETBACK DETAIL

SCALE: 1" = 150'

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APRIL 24, 2015 4112060.0 Exh-Variance.dwg

July 19, 2016

Emily Hedge, Planner II
Department of Planning, Building and Environmental Services
County of Napa
1195 Third Street, suite 210
Napa, California 94559

RECEIVED
R.E.B.
JUL 19 2016
Napa County Planning, Building
& Environmental Services

Re: Facts Supporting the Grant of a Variance Chanticleer Winery Use Permit #P14-00304 & and Variance #P14-00305 4 Vineyard View Drive, Yountville, California APN 034-150-026

Dear Mrs. Hedge:

The purpose of this memorandum is to supplement the evidence previously submitted to your office in support of a variance to the required winery setbacks as applied to the Grodahl property in Yountville.

Proposal

As you know, our current application includes removing an existing barn and replacing it with a 4,000 case winery and wine caves. The barn is located on a gentle southeast-facing slope. The proposed winery building would occupy the footprint of the barn and the flatter area south of it, currently planted to a garden. The property has two other gently sloping areas, both fully developed. One area contains the existing guest cottage and carport; the other with the main residence and garage. The balance of the site is occupied by steeper slopes, existing vineyard (6.84 acres) and sensitive oak Woodland habitat.

When comparing a location that is in compliance with the required 300' setback from Vineyard View Drive with the proposed site, the proposed site was selected because:

1. It minimizes visibility from the nearest view shed road (Solano Avenue),
2. it avoids steeper slopes, minimizes grading and earthmoving
3. it utilizes a nearly level pre-existing pad
4. It is proximate to existing slopes that are suitable for cave construction thus minimizing impact on agricultural lands
5. Preserves existing oak woodland habitat; and
6. It minimizes removal of mature vineyard that provides fruit for the winery's flagship wines.

Findings in Support of Issuing a Variance

Generally, the findings for a variance must meet each prong of a three-prong test to be granted a variance. An applicant must demonstrate that:

1. He or she 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.¹

An unnecessary hardship occurs where the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as peculiarities of the size, shape or grade of the parcel. The hardship must arise due to features inherent to the property, such as due to physical features mentioned above. A clear illustration of 'unnecessary hardship' occurs when the natural condition or topography of one's land places him at a disadvantage vis-à-vis other landowners in the zoning district. The hardship must relate to a unique condition of the property and not be self-induced or pertain to the plight of the owner. By way of example, courts have found that irregularly shaped lots, lots with steep or eroding slopes, and narrow lots with setbacks which limit the amount of overall developable area are all valid examples of hardship.²

The subject property is subject to a number of special circumstances that are applicable to the property that is not shared by others in the vicinity. Denial of the requested variance would place the applicant at a disadvantage vis-à-vis other landowners in the vicinity. In addition, the lack of available area to replace vineyards on site that would be lost due to compliance with the required setbacks due to slope conditions and the presence of oak woodlands present a hardship to the applicant. In this regard, unlike other properties in the vicinity that have been granted a variance (i.e. Keever Winery), the presence of steep slopes and the sensitive oak woodland habitat precludes replacement of the mature vineyards that would be lost if the winery were required to setback 300' from Vineyard View Drive.

These unique site conditions are described in more detail below:

1. Parcel Shape. The shape of the project site is unique to properties that share a Vineyard View Drive address. It has a depth to width ratio that far exceeds standards in the zoning code. The average parcel width is 200 feet with an average parcel depth of 2400+ feet. The recommended depth to width ratio is 5:1. The depth to width ratio of the project site is approximately 12:1. No other parcel along Vineyard View Drive that meets the minimum parcel size for a winery exhibits this shape characteristic. This extreme depth to width ratio

¹ Memorandum from County Counsel Op. Cit., page 3

² Memorandum from County Counsel Op. Cit., page 2

together with the impact of the Vineyard View Drive setback pushes the winery onto the less developable, steeper more visible portion of the property.

2. Topography. As shown on the county's environmental sensitivity map, the majority of the 40 acre parcel has slopes in excess of 15% with much of the property exceed 30%. As shown on this same map the parcel has very limited slopes in the 0-5% range, with good access to Vineyard View Drive. These flatter sites are optimal slopes to minimize earthmoving activities, a key goal of the County general plan and conservation regulations. These flatter, accessible sites are already developed with the three existing structures on the property: the main residence, the guest house and the barn. The latter is to be replaced with the proposed winery. The proposed winery site is adjacent to a hill whose slope conditions provide excellent cover for the proposed wine cave. The only other property along Vineyard View Drive with similar slope conditions that meets the minimum parcel size for wineries is the Keever Winery property that was granted a variance to winery setbacks from Vineyard View Drive. Approval of the variance would bring the applicant into parity with the other eligible property on Vineyard View Drive.
3. Impacts of Setback From Vineyard View Drive. Vineyard View Drive bisects the subject parcel with a 400'+ corridor. This corridor also divides the property into two zoning classifications: AP and AW. The fact that the property is located in two different zoning classifications is another unique characteristic of this property not shared by properties in the vicinity. The land on either side of this 400'+ corridor of Vineyard View Drive results in greater proportion of the subject property being impacted by the 300' winery setback. Only the Keever Winery property is bisected by Vineyard View Drive. Unlike the Chanticleer Winery property the Vineyard View Drive swath is less than half the length of Vineyard View Drive, 200+ feet. Note that the neighboring Keever Winery was granted a variance to the winery setbacks as applied to Vineyard View Drive.
4. Oak Tree Preservation/Loss of Mature Vineyard Acreage. According to information provided in the project application, development of the winery where proposed will result in the removal of 0.25 acres (or 3.6%) of the 6.84 acres of mature vineyard.³ This vineyard provides the fruit for the applicant's flagship wine. At staff's direction, we calculated the amount of vineyard that would be removed to construct the winery to meet the required 300' winery setback. Approximately 0.80 acres of vineyard (or 12%) of the existing vineyard would have to be removed. Unlike the Keever Winery nearby and other winery sites, existing conditions on the Chanticleer Winery property precludes replacement of this 'lost' vineyard acreage. Portions of the Chanticleer Winery site that are not developed with vineyards or improved with structures have extensive oak tree canopies, or are steeply sloped. Replacement of 'lost' vineyard acreage would require the removal of existing heritage oaks and oak woodland or extensive earthmoving on undeveloped slopes that exceed 30%. Both actions are contrary to existing county policy. A requirement to comply with the required 300' setback from Vineyard View Avenue would result in the removal of 12% of existing mature vineyard that provides fruit for the flagship wine produced by

³ Response to Project Status Letter, January 8, 2016

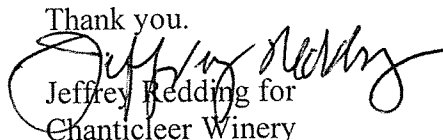
Chanticleer. The regulatory constraints that render the replanting of this acreage problematic is a hardship for the applicant and deprives him of property rights enjoyed by other properties in the vicinity. The Keever Winery site has areas within the boundaries that are replantable without the removal of oak trees or other sensitive habitat areas

5. Visibility from Designated Public Road. The subject property is located on an east-facing slope visible from Solano Avenue and State Highway 29. Locating the new winery in compliance with the required setback from Vineyard View Drive would place it on a highly visible, steep portion of the site. Locating on the existing pad currently occupied by an existing barn and the more gentle slopes adjacent results in the winery being well screened from the two designated public view shed roads. The other properties along Vineyard View Drive that are eligible for a winery do not share visibility of the property and existing topography constraints possessed by the Chanticleer Winery property. In fact, neither the site approved for the Keever Winery nor any of the alternate sites reviewed by staff is visible from either Solano Avenue or State Highway 29.

In summary, the subject property is subject to a number of special circumstances that are applicable to the property that are not shared by others in the vicinity. Existing conditions such as parcel shape and size, split zoning classification, extent of parcel subject to winery setbacks, topography, and oak woodland habitat were not created by any act of the owner. Unlike other properties in the vicinity that meet the minimum parcel size for a winery, replacement of the existing vineyard that would be displaced with setback compliance cannot be feasibly replaced due to the presence of sensitive oak woodland habitat, and inaccessible steep slopes on the subject property. In addition, the subject parcel exhibits special circumstances not found on other parcels in the vicinity that meet the minimum parcel size for winery development. These include: parcel shape, topography, visibility from designated public roads, the amount of property impacted by the winery setback and existing site vegetation. In considering locations for the winery, the applicant selected an existing building pad on gentle slopes, accessible from Vineyard View Drive that retains the maximum amount of mature vineyard acreage. The proposed site is also well screened from Solano Avenue, the nearest designated public road. Approval of the variance would bring the applicant into parity with the other eligible winery property on Vineyard View Drive.

We respectfully request a staff recommendation for approval of the variance to winery setbacks from Vineyard View Drive.

Thank you.


Jeffrey Redding for
Chanticleer Winery

CC: Client
Charlene Gallina, Supervising Planner
Bruce Fenton. RSA+

**NAPA COUNTY
 CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
 1195 Third Street, Rm 210 Napa, California 94559 (707) 253-4416**

APPLICATION FOR A VARIANCE

FOR OFFICE USE ONLY

ZONING DISTRICT: AP File No: P14-00305
 REQUEST: _____ Date Filed: 9-23-14
 _____ Date Published: _____
 _____ Date Posted: _____
 _____ ZA CDPC BS
 Hearing: _____
 Action: _____

TO BE COMPLETED BY APPLICANT

Applicant's Name: George Grodahl Telephone #: 707-944-1835
 Address: 4 Vineyard View Drive Yountville California 94599
 number street city state zip
 Status of Applicant's Interest in Property: Owner
 Property Owner's Name: Same as above Assessor's # 034-150-026
 Address: Same as above Telephone #: same as above
 REQUEST: Variance to section 18.104.230 (setback from private road used by the public, Vineyard View Drive) to construct a new winery on 40 acres of land

**PLEASE EXPLAIN ON THE REVERSE SIDE OF THIS FORM THE REASONS THAT
 THE VARIANCE REQUEST SHOULD BE APPROVED**

I certify that all the information contained in this application is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

X [Signature] 8/19/14 X [Signature] 8/14/14
 Signature of Applicant Date Signature of Property Owner Date

Submit with a check or money order payable to the County of Napa. The full application fee for a variance is \$1120.00

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

\$1010.00 _____ Received By _____
 Receipt Number Conservation Development & Planning Department Date
 Pre-application Receipt No. _____ Date: _____

all fees under Use Permit # P14-00304

**Statement in Support of a Variance
Chanticleer Winery
4 Vineyard View Drive, Yountville**

Request

Chapter 18.104.230 requires that all new winery structures be setback 300' feet from the centerline of private road used by the public. Vineyard View Avenue is defined as such a private road. The applicant proposes to locate the new winery 55' from the centerline of Vineyard View Avenue within the footprint of an existing barn that would be replaced by the proposed project.

Required Findings

Prior to issuing a variance, Chapter 18.128.060 requires that the planning commission make the following written findings:

1. That the procedural requirements set forth in this chapter have 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;
3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights; and
4. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa;

The following facts and conditions support the issuance of the requested variance:

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

The applicant has filed a request for a variance on the application form required by the Commission. The application was accompanied by the required plans and documents required by 18.128.020 and have been circulated for review by appropriate county agencies and department. The appropriate application fee, as set by resolution of the Board of Supervisors, has been filed [paragraph .030]. The applicant has submitted the required property owners' mailing list so that a public hearing can be conducted in accordance with procedures established by Chapter 18.128.040. Finally, if the Commission grants the variance, the director is required to notify the County Assessor of its approval

[paragraph .070]. This procedural requirement is the responsibility of County staff.

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;

Special circumstances are applicable to the subject property including the location of existing structures and topography that limit where a new winery could be located. In addition, Vineyard View Avenue runs the depth of the 40-acre parcel, requiring a 300-foot setback along its entire length. The proposed winery would be located on a level portion of the site at the toe of the east-facing slope and would replace an existing storage building that would be removed as part of the project

The subject property slopes from east to west and exhibits distinct topographic features: the gently sloping area where the existing barn and proposed winery would be located. The east facing hillside occupied by vineyard and the level areas where the existing residential structures are located. Except for the site where the existing building (and proposed winery) is located, the property contains very little level ground that is not already devoted to existing structures and mature vineyards..

The granting of a variance will allow the current owner to enjoy the same property rights as afforded the Keever Winery located further up Vineyard View Avenue. This winery also sought and received a variance to allow the winery to be developed within the 300-foot setback area. The Grodahl property exhibits the same physical constraints (steep slopes, presence of existing structures that limit areas for future development, existing vineyard) as the Keever property. While we understand that granting of variances for one project does not set a precedent for the granting of a variance on similarly contrasted parcels, denial of the requested variance would deny the applicant the same rights conferred to the Keever winery possessing similar constraints. Further, denial of the variance and forcing the winery to remove mature vineyard to construct a new winery and required access roads, and infrastructure would incrementally reduce the county's prime agricultural resource and is contrary to the intent of the underlying (AP) zoning district classification.

Utilizing the more level area adjacent to Vineyard View Avenue where the existing storage building is located results in far less grading to

construct the main winery building is a less visible location than alternative sites located outside the required 300-foot setback. The proximity of the winery at the toe of the hillside allows for the development of caves and a smaller building footprint without the necessity of removing vines or exposing the travelers on Solano Avenue and Highway 29 to a new visual impact. In addition, locating the winery where proposed allows the reuse of an existing driveway and separates the winery traffic from the residential traffic.

The original purpose of establishing setbacks for new winery buildings was to reduce the corridor effect of multiple wineries on the same road (note the pre-winery definition ordinance setback was only 20' from property lines), and to protect views from the public road and private roads used by the public. The proposed winery is barely visible from Solano Avenue and Highway 29. Vineyard View Drive is a private road used only by residents of the road. The proposed winery is low profile, is a continuation of the adjacent hillside and represents a visual upgrading as viewed by users of Vineyard View Drive and the adjacent Veterans Home. The location of the proposed winery allows for access from existing on-site vineyards that facilitates delivery of grapes and reduces gondola traffic on Vineyard View Avenue. The location of the winery also allows for use of the adjacent hillside for barrel storage thus saving energy and reducing greenhouse gases associated with heating and cooling and transportation.

Strict application of the required setbacks would pose a severe hardship to the applicant, as it would necessitate the removal of existing mature vineyard, force the development of the winery to the steeper more visible portions of the property with concomitant requirement for increased earthmoving, potential runoff and sedimentation due to a longer access road, as well as increasing development costs due to increased grading and distance for utility extensions. The proposed location is consistent with the intent of the winery setback ordinance, as well as the county's conservation regulations as it reduces visual impacts as compared with alternative compliant sites, preserves the views of existing hillsides and vineyards, and reduces impervious surfacing and runoff. Granting of a variance will allow locating the new winery on an existing level area of the site, and allow for construction of caves thus reducing demand for energy for heating and cooling.

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

Approval of the variance request will allow the applicant to construct a state of the art winery on the same property as the existing vineyards

that provide fruit used in the winery. Co-locating the winery on the same site as existing vineyards, allows the owner more oversight and quality control over the wine from vine to bottle. In addition to overall quality control, co-location of winery and vineyard will result in a reduction in harvest-related traffic on the local road network. The winery is sited and designed is well integrated with the existing landscape, topography and improvements without the necessity of removing existing mature vineyards. Constructing the proposed winery on the site already occupied by existing building upgrades the visual environment as seen from public roads (Solano Avenue and Highway 29), the private road (Vineyard View Drive) and the Veteran's home, thus satisfying the original intent of the winery setback.

Denial of the requested variance in light of the substantial benefit that the proposed site enjoys relative to alternative sites that comply with the required 300-foot setback would deny the applicant the substantial property rights enjoyed by the Keever winery that was granted a variance under very similar physical and regulatory constraints.

To the contrary, granting the applicant the right to construct a winery in the most appropriate part of the property allows for the preservation of existing topographic conditions, views from Solano Avenue and State Highway 29, existing vineyards and greatly enhances the visual environment of the Vineyard View Avenue neighborhood.

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

The proposed winery will not adversely affect the public health safety or welfare of the County or the Vineyard View neighborhood. In fact, the neighbors potentially most affected as well as other residents along Vineyard View Avenue support the winery at the proposed location. Requiring compliance with the 300-foot setback would deprive the owner of the right to use the most logical portion of the site for the new winery and would result in a new building located in a more visually prominent portion of the site readily visible from Solano Avenue and State Highway 29. Locating the winery 300 feet from Vineyard View Avenue would require more earthmoving and the removal of mature vineyard. Preserving prominent hillsides and mature vineyards is consistent with long-standing goals of the county zoning ordinance and general plan. Finally, the proposed project has been designed to meet all other required setbacks and has been designed to comply will all applicable building codes, environmental health and fire safety codes and requirements.