

“G”

Variance Application Packet



FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

A Tradition of Stewardship
A Commitment to Service

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: Gandona Winery Use Permit Modification

Assessor's Parcel #: 032-010-079 Existing Parcel Size: 115+

Site Address/Location: 1533 Sage Canyon Road St. Helena CA 94574
No. Street City State Zip

Property Owner's Name: Sage Hill Vineyards, LLC

Mailing Address: 1533 Sage Canyon Road St. Helena CA 94574
No. Street City State Zip

Telephone #: (203) 206 - 6191 Fax #: () - E-Mail: manuel@gandona.com

Applicant's Name: Manuel Pires

Mailing Address: 1533 Sage Canyon Road St. Helena CA 94574
No. Street City State Zip

Telephone #: (203) 206 - 6191 Fax #: () - E-Mail: manuel@gandona.com

Status of Applicant's Interest in Property: _____

Representative Name: Priscillia de Muizon, Coombs & Dunlap, LLP

Mailing Address: 1211 Division Street Napa CA 94559
No. Street City State Zip

Telephone # (707) 252-9100 Fax #: () - E-Mail: pdmuizon@coombslaw.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, 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.

Signature of Property Owner Date 7-28-17 Signature of Applicant Date
Manuel Pires, Managing Director of Sage Hill Vineyards, LLC Manuel Pires, Managing Director of Sage Hill Vineyards, LLC
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
Total Fees: \$ _____ Receipt No. _____ Received by: _____ Date: _____

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

Please see attachment.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

Please see attachment.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

Please see attachment.

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.



Applicant

Property Owner (if other than Applicant)

7-28-17
Date

Project Identification

SUPPLEMENT to VARIANCE APPLICATION
Gandona Winery

This Supplement is submitted in order to provide additional analysis in support of the variance application for Gandona Winery, pertaining to (i) special circumstances; (ii) hardship; and (iii) parity.

1. Background

As set forth in the Narrative Project Description submitted with the variance application, when our client originally applied for a use permit to expand the historic winery on this property, County staff determined in 2008 that the site selected by the applicant was within a large landslide area. Accordingly, our client retained Condor Earth Technologies to conduct a site inspection, which found that there was an additional historic landslide deposit on the property that further impacted the ability to develop the winery on the property; and that there was only one viable site location on the property outside of the area of the ancient landslide and supported by rock. This location was unfortunately less than 300 feet from the private driveway, therefore a variance to the road setback requirement was required. Our client applied for and was granted a variance by the County along with the use permit application, and the existing winery was constructed at that location.

Now, our client requires an expansion to expand its winemaking lab into the existing office space and build new administrative office space. A variance is required again due to the site constraints and the location of the proposed new office structure adjacent to the existing winery and within the 300 foot road setback area.

2. Comparative Analysis

Attached to this Supplement to Variance Application are (1) the Letter and Site Constraints Map by Condor Earth Technologies, Inc. originally submitted with this variance application; (2) a copy of the Napa County GIS/Environmental Sensitivity Map; and (3) two pages of County Assessor's Parcel Map.

As will be further discussed below, these documents show that none of the other properties in the vicinity with the same zoning designation face the same combination of site constraints as the Gandona property, namely expansive landslide deposit, surface slope greater than 30%, unique irregular shape, road setback constraints and viewshed considerations. And from our research, it appears that none of the neighboring parcels that were able to develop a winery required a variance as Gandona did.

The Gandona property – as shown on the Condor map and explained in the Condor letter – has a large landslide deposit covering much of the property as mapped by the County GIS system; an additional old landslide discovered by Condor's site inspection; and surface slopes greater than 30% on almost all of the remaining land. The winery was accordingly constructed on the site identified by Condor, with a variance

to address the fact that the site is within the 300' setback from the small road shared with two other parcels. Notably, no other wineries use this small shared road, and a letter of support from neighbor Dominic Chappellet, who owns an undeveloped parcel that shares the access road, was submitted with the use permit application.

Studying the properties in the area to the South of the Gandona property on the County GIS/Environmental Sensitivity Map: these properties are situated on top of a plateau made of solid rock and do not have landslide deposits. Although some have surface slopes that appear to be 30% or greater, there are large relatively flat open areas on each parcel that allowing for development outside of road setback restrictions. Several of the wineries located closest to Gandona were able to be developed on these properties, namely Brand Winery (032-010-088), Colgin Partners Winery (032-010-070), Lodestar Winery (032-010-071), David Arthur Vineyards (032-010-072) and Ovid Vineyards (032-030-068). Continuum Winery is also shown on the County GIS/Environmental Sensitivity Map as being well outside this landslide zone. Two Rocks Winery (032-220-026) is not shown on the attachments but is clearly well outside of the County's mapped landslide zone as well.

Studying the properties in the areas roughly to the North of the Gandona property on the County GIS/Environmental Sensitivity Map: these properties are labeled as being within the County's mapped landslide zone, but they were able to obtain approvals and be developed with wineries without road setbacks issues. We understand that one of these wineries, Bryant Family Winery (032-510-010), hired Condor Earth Technologies, Inc. to do an on-the-ground study and it was determined that the County's labeling of the landslide deposit in this case was overly broad and there was a site available for the project that was not geologically sensitive. Other nearby parcels have also been able to develop vineyards and various structures on their property, despite the landslide deposit mapped by the County – for instance, Villa Del Lago Winery (032-510-004), Chappellet Winery (032-010-090), Neyers Vineyard Winery (032-010-048), and two structures on parcel 032-010-010.

3. Additional Findings

The following additional findings and analysis are submitted in support of the variance application, in the context of the above-described property comparisons.

a) Special Circumstances

As described above, and as can be seen from the attached exhibits, the Gandona parcel has a unique combination of constraints that are not shared by the parcels in the vicinity with the same zoning designation (AW). Although the subject parcel is over 114 acres and well above the 10 acre requirement for a winery parcel, its shape forms a sort of bottle-neck right near the private road, which is also the location identified by the geotechnical experts as the only location with a surface slope of 30% or less, and outside of the landslide area. As such, the only suitable building site for the winery was within the 300 foot road setback area. As can be seen from the Condor exhibit, the property is almost completely covered in either pink (surface slope of 30% or greater) or yellow

(landslide deposit). Development of the remaining areas would require construction of an access road that would pass through areas with greater than 30% slope and sensitive habitat and were not considered viable options.

The neighboring parcels roughly to the South are not impacted by the landslide deposit. The rest of the developed neighboring parcels roughly North of the subject property were able to obtain approvals for construction despite the broad landslide mapping on their parcels and without requiring variances for road setbacks limitations. The undeveloped parcels in the area do not share the same irregular shape as the subject property and do not have the same concentration of steep slopes. For instance, nearby Bryant Family Winery was able to locate a stable site for the winery that was not within the road setback area. Granting of this variance is not a special privilege as the subject parcel contains a unique combination of constraints not shared by other parcels.

The subject parcel is also unique in that it was required to obtain a variance for construction of the winery within the road setback area, whereas other wineries in the area were not; and now that it wants to expand its modest operations to accommodate for more laboratory space and new administrative buildings, it requires another variance in order to have its facilities located in the same area of the property so as not to disturb more land and in order to keep its facilities located together, whereas other existing wineries wishing to expand would not be required to obtain a variance. This is a special circumstance for Gandona Winery.

b) Hardship

As already articulated, the combination of unique circumstances creating hardships for this parcel places our client at a disadvantage vis-à-vis other landowners in the area. This hardship is not self-induced as the County originally identified the landslide deposit impacting this property, and our client was required to retain a consulting firm which then identified the site where winery was ultimately built.

Now, requiring our client to build its expansion in any location other than adjacent to this same previously-identified site on which its existing winery is located would be a major hardship in that (1) winery operations would be dispersed across the large 114-acre property, making operation of the winery inefficient and creating a hardship for the running of this very small winery; (2) the applicant would not be able to concentrate its winery activities within an already developed area of its property; (3) construction at any other location would require a new access road, which would be difficult to have approved by the County given it would cross areas of greater than 30% slope as can be seen on the Condor exhibit and would traverse sensitive environmental terrain; (4) building a road and having an expansion to the existing winery on another part of the property would have an exorbitant price tag in terms of constructions costs, engineering for the new road, and loss of efficiency in running a small winery in two locations; and (5) situating the new structure anywhere else would mean not only a new road but installing or extending utilities, a new septic tank, and other such construction and development-related expenses that would be expensive and nonsensical given the existing winery and infrastructure is already in place. Regardless, there does not appear

to be a viable alternative location given the site constraints of this property so this analysis is merely a hypothetical exercise.

Specifically, the costs associated with requiring Gandona Winery to situate its expansion elsewhere on the property would be as follows:

- (i) The cost of developing a commercial driveway on flat land is roughly considered by experts to be one million dollars per mile. When building on the above-described challenging terrain, requiring extensive earthwork, walls, and drainage, the price increases exponentially. For instance, the cost of 100 linear feet of wall at six feet in height would be approximately a half a million dollars alone based on rough figures used by local engineering firms. This additional cost of building a second commercial driveway on a forested hillside property when there is an existing commercial driveway serving the existing winery structure is a hardship that would not be shared by neighboring properties without the same unique combination of site constraints.
- (ii) The cost of developing a second set of utilities and another septic system elsewhere on the property is also a hardship on the applicant.
- (iii) Engineering, architect, geotechnical, and other consulting fees with specialists involved in construction on hillside property such as this with unique environmental constraints including landslide deposits, 30% slopes, and sensitive habitat.
- (iv) The cost of the loss of efficiency in running a small winery in two locations on such a property is impossible to quantify but would again be a hardship for Gandona and one that is not shared by neighboring properties without the same set of site restrictions.
- (v) The potential loss of planted vineyard acreage in order to provide suitable land for building, would be a huge detriment to this small production winery which uses exclusively estate-sourced grapes.
- (vi) The environmental cost of developing elsewhere on the property, outside of the existing winery footprint, is also impossible to quantify but would involve ripping of trees, construction on slopes, destruction of sensitive habitat and vegetation, and viewshed issues.

Other properties do not share this hardship of having numerous site constraints, and those developed with wineries have not been required to split their winery operations across more than one site location and have been able to develop and in some cases expand sizeable wineries on smaller parcels than the subject property, without dispersing development outside of one main developed area. Those properties that are not yet developed do not appear to share the same combination of constraints as discussed above such as having the one safe development site within the road setback area.

c) Parity

The attached exhibits show and discussion above demonstrate how the subject property differs substantially from other parcels in relevant aspects such as shape, topography, access, and site options in relation to the road setback requirements. The requested variance serves only to enable our client to make an expansion to a modest winery in order to rectify a space problem, in that the winemaking lab was not properly designed and is too small to accommodate the required equipment and personnel. As has been discussed already, there are numerous properties in the vicinity that have substantial wineries much larger than Gandona's existing footprint let alone this modest expansion, many of which may have been expanded (for instance, Brand Winery expanded its operations on or around 2010), with such operations occurring attached or adjacent to the existing structure. For instance, nearby Chappellet is over 12 times the size of Gandona Winery with over 7 times the production; and Colgin Partners Winery is more than twice the size and Continuum more than three times the size of the proposed square footage of the existing and proposed Gandona structures combined. Gandona Winery is seeking only to be in parity with those other properties in making this expansion, in order to have sufficient square footage to effectively run its winery operations, and requires grant of this variance application in order to do so.

Notably, no other properties appear to have the same road setback problems. Granting of this variance request is necessary in order to enable the applicant to achieve a degree of parity with the other properties in the area not constrained as the subject property is constrained. Strict application of the applicable requirements would restrict our client's ability to expand this modest winery, whereas granting of the variance brings the parcel into parity with other properties zoned AW that have been granted use permits for wineries and winery expansions.

4. Conclusion

Our client respectfully requests a variance in order to locate its second structure adjacent to the existing winery, located approximately 118-ft from a private road where a 300-ft setback is required. This will enable our client to achieve parity with other landowners in the area that do not have the same unique combination of site constraints on their parcels as the subject parcel, in particular those who have built or expanded wineries without requiring a variance. Without this variance, the project likely cannot move forward given that locating the expansion elsewhere on this property is impossible. Notably, the small private access road is shared with only two other parcels, and no other wineries, which minimizes the concerns behind road setbacks such as reducing the impacts of the "corridor" effect created by wineries situated close to roads. Locating the expansion adjacent to the existing winery and within the road setback also keeps project close to the existing structure within same developed area without disturbing large areas of sensitive habitat and vegetation, and allows our client to achieve parity with other landowners in the area.



CONDOR EARTH TECHNOLOGIES, INC.

21663 Brian Lane, P.O. Box 3905

Sonoma, CA 95370

Phone 209.532.0361

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www.condorearth.com

Condor Project No. 4986C

December 20, 2016

Manuel Pires
c/o Priscillia de Muizon
Coombs & Dunlap, LLP
1211 Diversion Street
Napa, CA 94559

**Subject: Auxiliary Building at Gandona Winery
Location Constraints
1535 Sage Canyon Road
St. Helena, California**

Dear Mr. Pires:

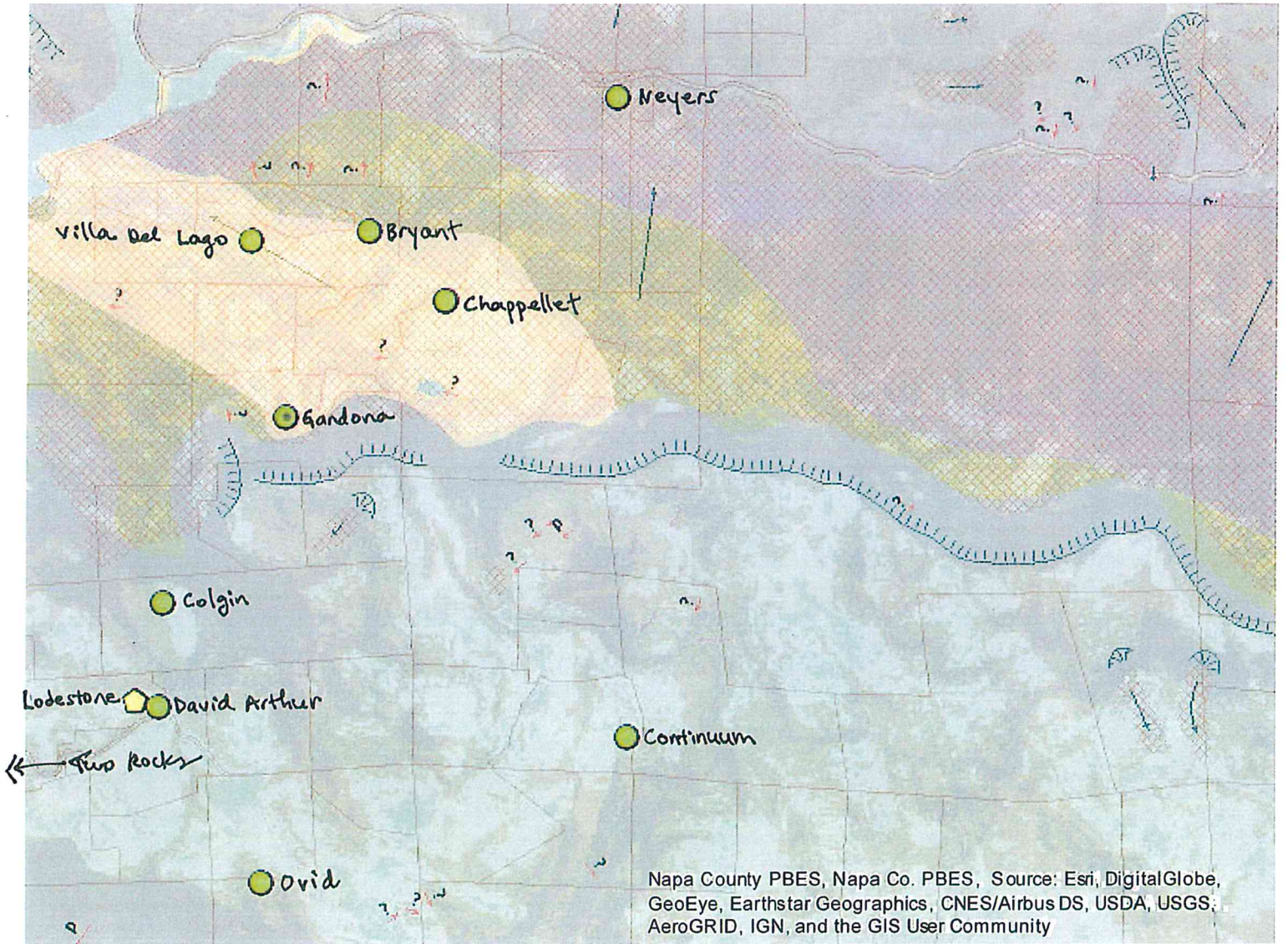
Condor Earth (Condor) presents this geologic/geotechnical evaluation of location constraints for the proposed administrative/storage building (auxiliary building) at the existing Gandona Winery. Condor previously performed a similar evaluation in 2007 during the siting of the original winery project, and we subsequently provided geotechnical engineering services for design and construction for the winery.

PROJECT AND SITE DESCRIPTION

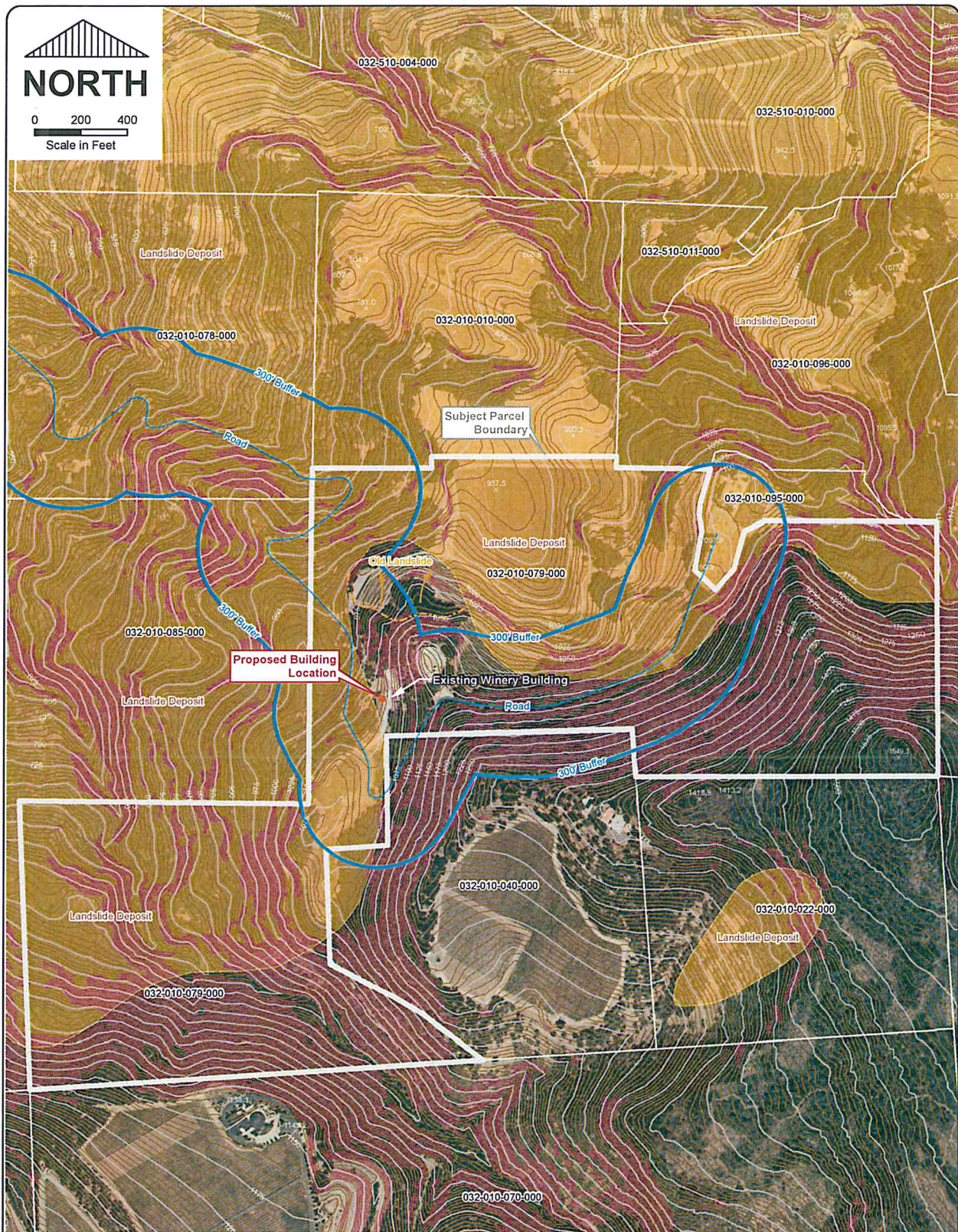
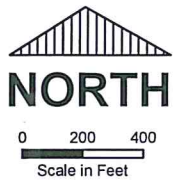
The proposed project will consist of constructing a two-story building with a plan area of about 25 by 65 feet. The proposed building site is on natural ground below a fill slope consisting of slurried riprap, located southwest of the existing winery building and parking area.

Although the proposed building site is within the 300-foot road setback, other potential locations on the parcel are either also within the 300-foot setback, or are in landslide hazard areas or areas where the natural ground slope is steeper than 30 percent, as shown on Figure 1. A previously proposed site on the north slope of the spur ridge was investigated by Condor in October 2007 and found to be underlain by landslide deposits and, consequently, is not considered a suitable site for the building. The estimated limits of the landslide deposits encountered at the north slope of the spur ridge are shown on Figure 1. The areas west, north and east of the spur ridge (including the originally proposed winery site) have been mapped as landslide deposits by others (see Figure 1) and use of these areas for a new building site is not presently considered geotechnically feasible. Areas south of the proposed building are either in areas mapped as landslide deposits or are in slope areas exceeding 30 percent.






Our previous work at the existing winery site confirms that the proposed building location is suitable from a geotechnical and geohazards standpoint. If the project is approved, Condor (or other geotechnical professional) should provide an updated site-specific geotechnical engineering study for the design and construction of the new building.



Napa County GIS Maps.
 Enviro Sensitivity Map



MAP LEGEND:

	Assessor Parcel Boundaries (Napa County GIS)
	300 Ft. Buffer - Road
	Landslide Deposit USGS-OF76-74 - (Napa County GIS)
	Surface Slope \geq 30%
	Old Landslide (Condor, 2007)

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Calmapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



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Job No.	4986C
Published Date	29 AUGUST 2016
Scale	AS SHOWN
Drawn	JDM
Chk'd	SWL

SITE CONSTRAINTS MAP
GANDONA WINERY
 032-010-079
 1535 SAGE CANYON ROAD
 ST. HELENA, NAPA COUNTY, CALIFORNIA

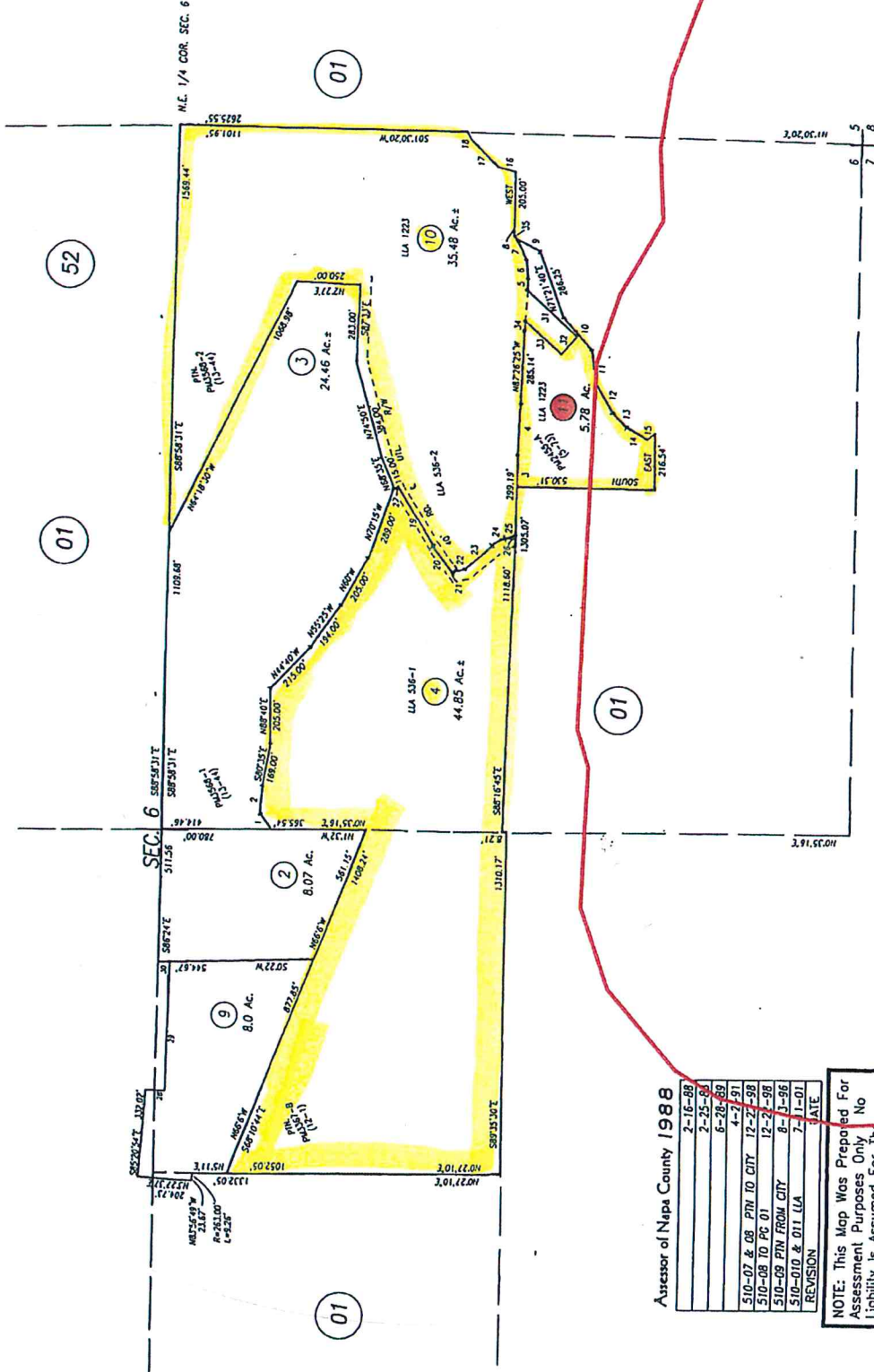
FIGURE
1
 F1 20160829
 4986C CONSTRAINTS.mxd

THIS MAP OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED. FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.

COUNTY ASSESSOR'S PARCEL MAP
 PTN. SEC. 6 T.7N., R.4W., M.D.B.&M.

DEC 14 2001
 Tax Area Code
 85001

32-51
 32-01



1.	S55°00'W	77.55'
2.	N86°10'57"W	118.60'
3.	N87°14'00"W	718.54'
4.	N87°14'00"W	35.00'
5.	N86°55'45"W	23.84'
6.	S85°20'30"W	104.47'
7.	S85°20'30"W	104.47'
8.	N85°52'00"E	100.00'
9.	N85°52'00"E	100.00'
10.	N86°21'20"E	141.84'
11.	N86°21'20"E	172.86'
12.	N85°51'10"E	67.60'
13.	N85°51'10"E	95.45'
14.	N85°51'10"E	95.45'
15.	S14°48'25"W	21.01'
16.	S14°48'25"W	145.83'
17.	S14°48'25"W	28.57'
18.	S25°20'W	229.13'
19.	N87°14'00"W	111.11'
20.	N87°14'00"W	111.11'
21.	N87°14'00"W	111.11'
22.	N110°21'30"W	37.47'
23.	N110°21'30"W	137.31'
24.	N110°21'30"W	145.71'
25.	N86°21'20"E	58.13'
26.	N86°21'20"E	58.13'
27.	N86°21'20"E	20.00'
28.	S17°29'W	78.96'
29.	S85°54'17"E	685.12'
30.	S85°54'17"E	39.82'
31.	S85°54'17"E	39.82'
32.	N41°50'25"E	281.55'
33.	N41°50'25"E	132.12'
34.	N86°55'45"W	38.94'
35.	N86°55'45"W	8.00'

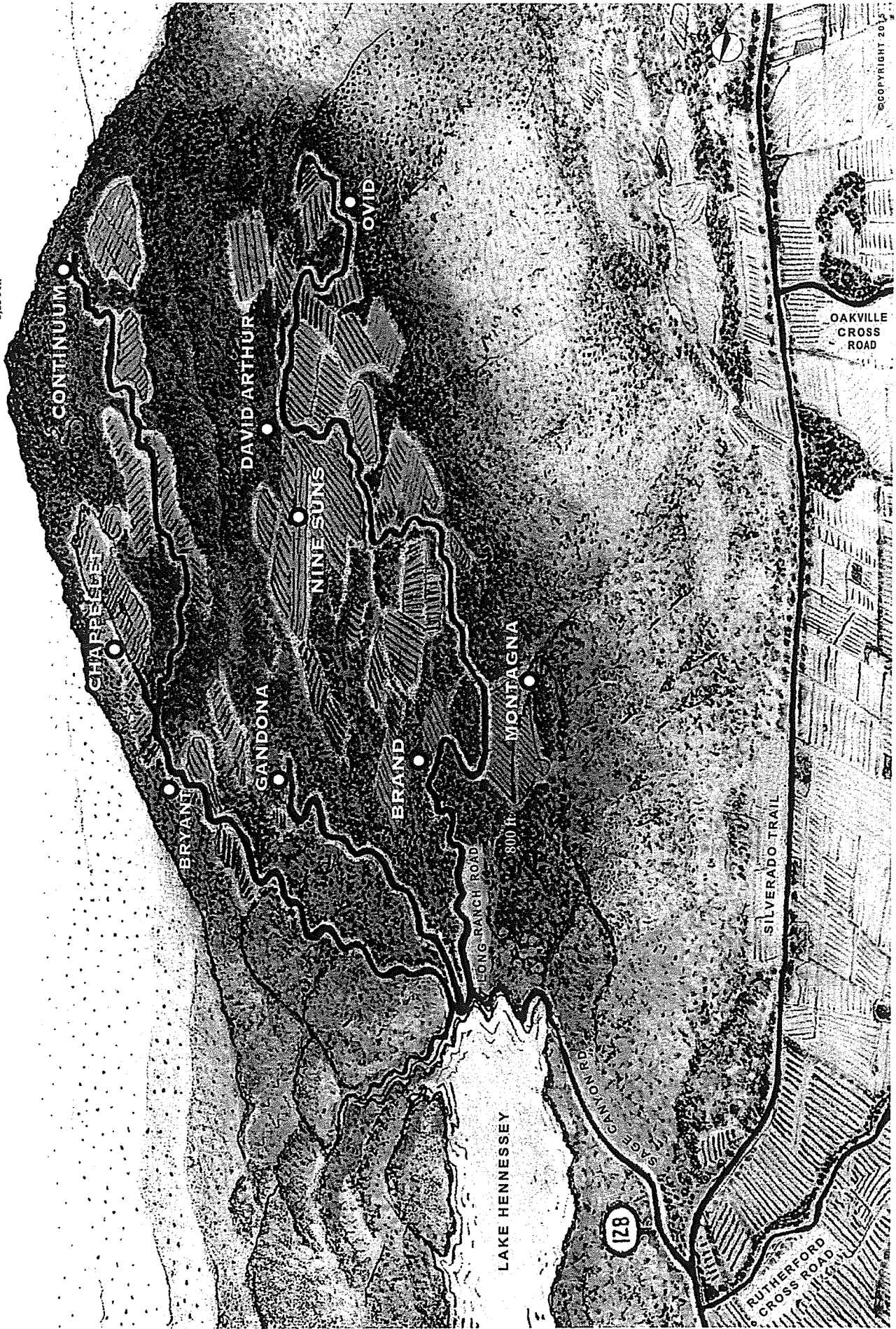
Assessor of Nepa County 1988

2-16-88
2-25-88
6-26-88
4-7-88
510-07 & 08 PTN TO CITY
510-08 TO PC 01
510-09 PTN FROM CITY
510-010 & 011 LIA
REVISION
DATE

NOTE: This Map Was Prepared For Assessment Purposes Only. No Liability Is Assumed For The Accuracy Of The Data Delinated Hereon.

32-51

1,834 ft.



WINERIES ON THE HILL
SAGE CANYON / HIGHWAY 128 + NAPA VALLEY
Tours & Tastings by Prior Appointment Only