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Staff Report of December 4, 2019
(Abbreviated)

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Agenda Date: 12/4/2019

Agenda Placement: 7D

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services

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

SUBJECT: Shadybrook Winery

RECOMMENDATION

RAPP RANCH ESTATE, LLC / SHADYBROOK ESTATE WINERY / MAJOR MODIFICATION P18-00450-MOD

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Major Modification for an existing 30,000-gallon per year winery to allow the following: **A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:** 1) recognition of the demolition of a previously existing agricultural barn which was replaced with four new steel buildings approximately 12,000 sf (square feet) in size and recognition of the conversion of one of the steel buildings of approximately 3,001 sf into winery production space for barrel storage; 2) recognition of the winery's new access and outdoor visitation/marketing event patio which includes a barbecue/fire pit/bocce ball court area and outdoor event garden area; 3) recognition of existing nine full-time employees and two part-time employees (two full-time and one part-time employees currently authorized); 4) recognition of the reconfigured parking area including 26 parking spaces (nine spaces currently authorized); and 5) recognition of the winery's existing amplified sound system or amplified music utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio and event garden area (currently prohibited). **B. EXPANSION BEYOND EXISTING ENTITLEMENTS:** 1) increase annual wine production from 30,000 to 70,000 gallons per year; 2) increase daily visitation from 21 per day with a maximum of 147 per week to 50 per day with a maximum of 350 per week; 3) amend the existing marketing program from eight catered food and wine events per year with a maximum of 30 persons and one Wine Auction event per year with a maximum of 30 people to six events per year with a maximum of 30 persons, six events per year with 50 visitors and six events per year with 100 visitors. Events with 50 visitors or less will be catered using the winery's existing commercial kitchen; larger events will be catered off site; 4) minor improvements to the existing parking area and outdoor patio and garden area; and 5) allow on premise consumption of wines produced on-site within the outdoor visitation area and hospitality building designated tasting areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5. There are no proposed changes to winery's hours of operation which

occur seven days per week from 9 am to 5 pm or to the Marketing Events which occur seven days a week from 11 am to 10 pm. The project is located on an approximately 11.37 acre parcel accessed via Rapp Lane, which is a gated private road located on the north end of Second Avenue at the intersection with Chateau Lane within the AW (Agricultural Watershed) zoning district; 100 Rapp Lane, Napa, CA 94558; APN 052-170-019.

Staff Contact: Charlene Gallina, Supervising Planner, phone 707-299-1355 or email Charlene.Gallina@countyofnapa.org

Applicant: Rapp Ranch Estates, LLC, David & Sue Alkosser; (714) 206-7856; 100 Rapp Lane, Napa CA 94558; dalkosser@gmail.com

Applicant's Representative: David B. Gilbreth; Attorney; 1152 Hardman; Napa, CA 94558; (707) 337-6412; dbgilbreth@gmail.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Initial Study/Negative Declaration prepared for the proposed project, as set forth in Findings 1-7 of Attachment A; and
2. Approve Major Modification Application No. P18-000450-MOD, based on Findings 8 through 12 of Attachment A, and subject to the recommended Conditions of Approval (Attachment B).

Discussion:

This application was transferred over to participate in the County's Code Compliance Program established by the Board of Supervisors on December 4, 2018 by Resolution No. 2018-164 which allows property owners to voluntarily apply for approval to remedy existing violations. The applicant requests approval of a modification to a previously-approved winery use permit (formerly named D'Ambrosio Vineyards and Verismo Winery) that had established in 2007 a new 30,000-gallon winery with tours and tastings and marketing events.

Staff has reviewed both the components necessary to remedy the existing permit compliance matter to address physical improvements that were installed without County permits, to address excess employees and to add wine production barrel storage space, as well as, process the requested permit modification to change permitted winery operations (increase wine production, visitation and marketing activities), and found these to be consistent with the Zoning Ordinance and applicable General Plan policies.

As described in Board of Supervisors Resolution No. 2018-164 establishing the County's code compliance program, the subject application was filed and found to be substantially conforming prior to the March 29, 2019, deadline for participation in the program. Accordingly, the County may use existing, noncompliant operations as the environmental baseline for CEQA analysis of the proposal. However, for this case, application materials, including water availability, wastewater feasibility, a traffic impact study, and a noise analyses were submitted for a full environmental analysis of the requested modification. As a result, the CEQA analysis, an Initial Study/Negative Declaration, concluded that there would be no significant environmental impacts associated with increased operations in the winery, and the addition of a small wine barrel storage building which will be located where an existing agricultural barn was located and had been recently replaced with a new building. The analysis revealed that there would be no significant impacts associated with proposed traffic increases and/or no noise impacts from expanded winery operations (e.g., production, visitation, marketing, and employees). It was determined that

groundwater demands would not exceed the existing groundwater permit levels established for the property, since the project is located in the Milliken-Sarco-Tolocay (MST) Groundwater Deficient Area. Furthermore, minor improvements made over the years would be subject to building or other permits to bring them into compliance with County requirements.

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

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Property Owner: Rapp Ranch Estates, LLC, David & Sue Alkosser

Project Sponsor's Name and Address: Rapp Ranch Estates, LLC, David & Sue Alkosser; (714) 206-7856; 100 Rapp Lane, Napa CA 94558; dalkosser@gmail.com

Representative: David B. Gilbreth; Attorney; 1152 Hardman; Napa, CA 94558; (707) 337-6412; dbgilbreth@gmail.com

Zoning: AW (Agricultural Watershed) District

General Plan Designation: Agriculture, Watershed and Open Space (AWOS)

Application Filed: December 27, 2018; **Resubmittals:** April 22, 2019, July 10, 2019, August 9, 2019, August 22, 2019, September 13, 2019, November 20, 2019; **Deemed Complete:** October 31, 2019

Parcel Size: 11.37 acres

Existing Development: The site is developed with an existing 10,548 sf winery, two barns (approximately 12,000 sf and 1,300 sf), a single family residence, and a vineyard. There are approximately 6.74 acres of vineyards that are producing grapes for the existing winery.

Approved Vineyard Acreage: 6.74

Existing Vineyard Acreage: 6.74

Proposed Vineyard Acreage: No change

Existing and Proposed Winery Characteristics:

Approved Winery Building Size: 10,548 sf winery (1,645 sf offices, 1,332 sf storage/warehouse and 7,571 sf production)

Existing Winery Building Size: 13,446 sf winery (Sized based upon Very Minor Modification authorization and Building Permit Issuance)

Proposed Winery Building Size: Recognition of the demolition of a previously existing agricultural barn which was replaced with four new steel buildings approximately 12,000 sf in size and recognition of the conversion of one of the steel buildings of approximately 3,001 sf into winery production space for barrel storage. Total winery size 14,829 sf (Includes 1,803 sf covered crush pad)

Approved Production Capacity: 30,000 gallons/year

Existing Production: 24,572 gallons (2018)

Proposed Production Capacity: 70,000 gallons/year

Approved/Existing Winery Development Area: 13,776 sf; 0.32%

Proposed Winery Development Area: 16,572 sf; 0.38%

Approved/Existing Winery Coverage: 0.50 acres; 4.4% (Maximum 25% or 15 acres)

Proposed Winery Coverage: 1.58 acres; 13.9% (Maximum 25% or 15 acres)

Approved/Existing Accessory to Production Ratio: 3,601 sf accessory, 9,845 sf production; 36.6% (Maximum 40% permitted)

Proposed Accessory to Production Ratio: 4,060 sf accessory, 11,655 sf production; 34.8% (Maximum 40% permitted); Outdoor patio visitation/tasting - 6,075 sf and outdoor garden visitation/tasting - 6,815 sf; total area 12,890 sf (Note: outdoor areas are not subject to the 40% maximum permitted)

Approved Number of Employees: Two full-time and one part-time employees

Existing Number of Employees: Nine full-time employees and two part-time employees

Proposed Number of Employees: Recognition of the existing nine full-time employees and two part-time employees

Approved/Existing Visitation: 21 visitors per day by appointment with a maximum of 147 visitors per week

Proposed Visitation: 50 per day by appointment with a maximum of 350 per week

Approved/Existing Marketing Program: A marketing plan consisting of eight catered food and wine events per year with a maximum of 30 persons and one Wine Auction event per year with a maximum of 30 persons. Marketing activities authorized between 11 am and 10 pm.

Proposed Marketing Program: Six events per year with a maximum of 30 persons, six events per year with 50 visitors and six events per year with 100 visitors. Events with 50 visitors or less will be catered using the winery's existing commercial kitchen; larger events will be catered off site. No changes to hours for marketing events.

Approved/Existing Hours of Winery Operation: Daily, 9 a.m. to 5:00 p.m.

Proposed Hours of Winery Operation: No change

Approved/Existing Hours of Visitation: Daily, 9:00 a.m. to 5:00 p.m.

Proposed Hours of Visitation: No change

Approved On-Site Parking: nine spaces

Existing On-Site Parking: 25 spaces

Proposed On-Site Parking: Recognition of reconfigured parking area including 16 new spaces for a total of 26 spaces

Setbacks Required: 20 feet front, side and rear, 300' from Rapp Lane

Proposed Setbacks: Existing winery structure currently compliant with required setbacks; New Agricultural Building/Wine Barrel Storage Building (located in the same place has not been placed closer than originally constructed in 1984) - 475' Rapp Lane (North Side), 100' side near the West Equestrian Center Property Line, 220' from the South Side.

Approved/Existing Building Height: 20'8" Winery Building

Proposed Building Height: 16' Wine Barrel Storage portion of the new building ; No change to Winery Building

Adjacent General Plan Designations, Zoning Districts and Land Uses:

All surrounding properties have a General Plan designation of Agriculture, Watershed, and Open Space (AWOS) and a Zoning designation of Agricultural Watershed (AW). Surrounding land uses include rural residential, agriculture, vineyards, the Napa Country Club and Golf Course, wineries (Italics, and Covert Estate Wineries), and Rapp Ranch Equestrian Center that offers quarter horse boarding, equestrian lessons and trail rides. The closest residence to the Winery Building is 350 feet, 430 feet from outdoor patio area and from 500 feet from the outdoor garden area.

Nearby Wineries (within one mile of project site):

Please refer to Attachment N.

Parcel History:

In June 1982, Building Permit #30443 was issued for a 9,900 sf horse-training barn. Subsequent Building Permit #30742 was issued on August 2, 1982 for additional stable offices and a laboratory (2,241 sf) in the same building.

On August 17, 1982, the Board of Supervisors approved a rezoning request to rezone three parcels of land totaling 70.5 acres from R-1:A:B-1 (Single-Family Residence with Special Agricultural Combining District) to AW (Agricultural Watershed) District approximately 1,600 feet northwest of the Second Avenue/North Avenue intersection (Assessor's Parcels 052-170-008, -018 and -019).

In January 1984, Building Permits #33097 and #33098 was issued for a 11,520 sf mare trainer barn and a 1,236 sf covered paddocks.

On March 21, 2001, Erosion Control Plan #99455-ECPA was approved by the Department Director to allow earthmoving associated with vineyard conversion of 14.53 acres of moderately sloping pasture within two contiguous parcels totaling 23.34 acres (6.08 acres on APN 052-170-018 and 8.45 acres on Parcel -019).

In reviewing the building permit history of APN 052-170-018, it appears that the horse boarding and training facility use, also owned by the original applicant (Mr. Frank D'Ambrosio), was transferred from Parcel 052-170-019 to the adjacent Parcel 052-170-018 in 2004. However, no use permit was found authorizing this transfer. The equestrian use has separate road access (via Rapp Lane), water meters, and other utility services.

On June 6, 2007, the Planning Commission approved Use Permit #P06-01095 establishing the 30,000 gallon D'Ambrosio Vineyards through the conversion of an existing former horse training barn into a 10,548 sf winery (1,645 sf of office, 1,332 sf of storage/warehouse and 7,571 sf of production). The winery was authorized to conduct

tours and tastings for up to 21 visitors per day by appointment only for a maximum of 147 visitors per week and a marketing plan consisting of eight catered food and wine events per year with a maximum of 30 persons and one Wine Auction event per year with a maximum of 30 persons. No cave was proposed and a designated tasting room was delineated on the plans. The winery was also approved with two full-time and one part-time employees and nine parking spaces. Winery operations were allowed from Monday through Sunday 9 am to 5 pm with marketing activities authorized between 11 am and 10 pm. A use permit condition of approval required the operator to submit an application to modify the applicable horse-boarding facility use permit to eliminate such operations from the original project site (APN 052-170-019). It should be noted that staff found no record of compliance with this condition.

On July 17, 2009, the Zoning Administrator approved Use Permit Very Minor Modification (P09-00310-VMM) authorizing a one-year time extension for use of the winery use permit to June 6, 2010.

On July 22, 2011, a Use Determination (P11-00242-DET) was issued recognizing that Use Permit P06-01095-UP had been activated and building permits could be issued for the winery project since a minimum of \$50,000 had been expended prior to the June 6, 2010 permit expiration date.

On November 27, 2012, Very Minor Modification (P12-00374-VMM) was approved by the Planning Director, authorizing the following modifications: 1) conversion of approximately 1,443 sf of approved internal bottling/wine making area to barrel storage; 2) conversion of the designated internal equipment/maintenance area to an approximately 2,005 sf wine tasting/retail, prep kitchen/scullery and restroom area; and 3) replacement of the approved surface drip disposal system for process wastewater to a hold and haul system. No changes to the 30,000 gallons per year production limit, number of employees or marketing plan was requested or approved. The winery was renamed Verismo Winery at the time and still owned by Mr. D'Ambrosio.

Given these entitlement authorizations, the Building Permit for the D'Ambrosio Vineyards Winery B12-00844 was issued on December 2012 and finalized on January 12, 2016. On May 24, 2016, a Grading Exemption (Eng16-00021) was issued for site improvements including landscape walls, pathways, improved drainage infrastructure, landscaping and an improved all weather surface vineyard road. It should be noted that the applicant or the new owner never called the Building Division for a final on work completed with this permit.

In June 2016, the winery was purchased by the Alkossers and renamed Shadybrook Estate at Rapp Ranch. The Rapp Ranch Equestrian Center located on APN 052-170-018 was also purchased by the Alkossers. This facility is currently requesting a use permit from the County (P18-00197-UP) for recognition of existing commercial boarding operations and construction activities conducted on the property since new ownership and to remedy existing code compliance violations as described below. A Use Permit Application was submitted on May 18, 2018 and the application is also participating in the County's Code Compliance program.

On December 27, 2018, Major Modification Application (P18-00450-MOD) was submitted for Shadybrook Winery to remedy code compliance violations (Refer to Code Compliance History below) and a request for expansion beyond existing entitlements, as described in the project request above.

Code Compliance History: (Attachment C)

On January 10, 2018, A Notice of Violation was issued by the County's Code Compliance Division for the Shadybrook Winery. The applicant was notified that various code violations had occurred at the property without benefit of building permits for the following: 1) four steel buildings foundations/retaining walls were being replaced; and 2) alterations to the four steel buildings, tresses, underground electrical and plumbing. Representatives of the property owners met with Code Compliance Division staff to discuss the intended use of the replacement building and the submittal of a building permit. During this discussion, it was revealed that the owners were considering submittal of a use permit modification for winery operation expansion, as well as the conversion of a portion of the

agricultural barn into winery production space.

On December 27, 2018, a major modification application was filed with the County. During review of the application, project entitlement history, and a result of site visits (July 13, 2018 and January 9, 2019), and the life safety inspection (November 8, 2019), it was revealed that additional items were required to be addressed as part of this application in order to bring this winery into full compliance with County Regulations. With regards to the life safety inspection conducted at the winery, staff has been diligently working with the winery in addressing any remaining outstanding issues and follow up inspections. A final inspection is scheduled for November 26th. An update will be provided at the Commission meeting on issue resolution and whether or not a project specific condition will need to be added to the project.

Discussion Points:

Setting - The 11.37-acre, irregularly shaped lot slopes up gently to moderately from the northeast to southwest. The site is developed with an existing 10,548 sf winery, a small barn, a barn, a single-family residence, and a vineyard. There are approximately 6.74 acres of vineyards that are producing grapes for the existing winery. The entire site consists of Sobrante Loam (5-30 percent slopes) with very low liquefaction potential. This soil has a medium run-off rate and erosion hazard is slight to moderate. The property has an average slope of 5%, which drains towards the northeast across existing vineyards, Rapp Lane and the Napa Valley Country Club, towards an un-named intermittent stream. The project site is located in the designated Milliken-Sarco-Tolocay (MST) Groundwater Deficient Area. The County's GIS maps indicate that there are no designated landslides, special biological or botanical habitats located in the area. No wetlands or vernal pools have been identified on the property.

Winery Proposal - The project seeks approval to remedy existing violations as follows: 1) recognition of the demolition of a previously existing agricultural barn which was replaced with four new steel buildings and recognition of the conversion of one of the steel buildings of approximately 3,001 sf into winery production space for barrel storage; 2) recognition of the winery's new access and outdoor visitation/marketing event patio which includes a barbecue/fire pit/bocce ball court area and outdoor event garden area; 3) recognition of existing nine full-time employees and two part-time employees (two full-time and one part-time employees currently authorized); 4) recognition of the reconfigured parking area including 26 parking spaces (nine spaces currently authorized); and 5) recognition of the winery's existing amplified sound system or amplified music utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio and event garden area (currently prohibited). Furthermore, the applicant is requesting the following new expanded operations at the winery: 1) an increase in wine production; 2) an increase daily visitation; 3) an amendment to the winery's existing marketing program, 4) minor improvements to the existing parking area and outdoor patio and garden area to accommodate better access; and 5) on premise consumption of wines produced on-site within the outdoor visitation area and hospitality building designated tasting areas. It should also be noted that the processing of this modification will also satisfy the original winery use permit requiring that all commercial horse boarding activities cease on the parcel including horse related events. [Refer to COA No. 4.20(b) - Attachment B] Furthermore, all winery access is proposed to be taken via Rapp Lane Road. A table summarizing existing conditions, proposed changes, and the net change in these areas has been provided in Attachment N.

Barn Conversion to Wine Storage - On January 10, 2018, A Notice of Violation was issued by the County's Code Compliance Division for the Shadybrook Winery for the demolition an existing agriculture barn without benefit of building permit. According to the owner, the existing barn had been originally constructed in 1984 and was in need of major repair and renovation. So, the owner decided to demolish the building and commence reconstruction of a new barn of the same size and location. With submittal of this Major Modification, the applicant has requested to utilize approximately 3,001 sf of the total 12,000 sf building for winery production space for barrel storage. As proposed, the façade of the storage building will be insulated panels with metal skin. Other portions of the building will consist of Hardie Board (cement fiber) siding with translucent panels on the upper portion of the building. The building will have a metal roof ranging in height from 16' (wine barrel storage section) to 28' (ag. storage sections)

based upon the slope of the pad. Colors of this structure will be required to comply with the County's required earth tone color palate. This addition to the winery has been determined to be compliance with the WDO provisions and other zoning ordinance requirements.

Visitation/Marketing - The applicant is requesting an increase in tours and tastings by appointment only on a daily basis from 21 per day with a maximum of 147 per week to 50 per day with a maximum of 350 per week and to amend the existing marketing program from eight catered food and wine events per year with a maximum of 30 persons and one Wine Auction event per year with a maximum of 30 people to six events per year with a maximum of 30 persons, six events per year with 50 visitors and six events per year with 100 visitors. Events with 50 visitors or less are proposed to be catered using the winery's existing commercial kitchen. Larger events are proposed to be catered off site. All marketing activities will be scheduled to occur between the hours of 11 am and 10 pm. The attached winery comparison tables (Attachment N) comparing the Shadybrook Winery with wineries that currently have an annual permitted production capacity of 65,000 to 75,000 gallons. The requested daily, weekly, and annual visitors, and number of events, annual marketing visitors and total visitation program is higher than average and median of by appointment wineries and below the average and median of comparable PreWDO wineries. Given that there have been no significant environmental impacts identified, and that sufficient water supply is available for the project site, staff has concluded that the project in its entirety merits approval as proposed subject to recommended conditions attached to this report.

Winery Signage - There is an existing 125 sf sign on the property at the winery entrance along Rapp Lane which identifies the Shadybrook Estate Winery Rapp Ranch facility (Attachment F). This sign was installed recently without issuance of a building or sign permit. There are two additional smaller signs on the existing monument sign at the gate for the Rapp Lane private road located on the north end of Second Avenue at the intersection with Chateau Lane. No sign or building permits were issued for these signs. With this application, as well as, the Rapp Equestrian Center, the applicant is requesting recognition of both facilities existing signage as currently installed.

County Code, Section 18.116.060 (Winery Signs) limits all winery signs, including, but not limited to any sign containing "open", "closed", hours of operation, or identifying sales of wine, shall be governed by use permit or a comprehensive sign plan and shall be compatible with the design and scale of the winery, its site, structure, and surrounding area. Furthermore, winery sign design shall be consistent with the following standards unless prior to February 24, 2000, such sign has been approved as part of a use permit, or at any time more restrictive provisions are specified by the applicable use permit or comprehensive sign plan: 1) one or more freestanding sign faces limited to a combined total of 30 sf; 2) one or more wall signs limited to a combined total of 12 sf; and 3) a freestanding sign shall have no feature exceeding a height of six feet above the natural grade or four feet above the centerline of an adjoining roadway, whichever is the greater. The County Sign Code does not have any requirements for commercial businesses such as a equestrian facility in the AW zoning district. However, staff would likely apply the winery sign provisions to a commercial boarding facility. Given the applicant's request, staff is recommending removal of the larger sign for compliance with the County Sign Code. Therefore, conditions of approval [COA Nos. 6.15(d), 9.2 and 9.9(b)] will be added to require the applicant to obtain a sign permit and a building permit if warranted.

Bocce Ball Court - There is currently a bocce ball court on the property. The County does not have a policy allowing bocce ball courts at wineries. Bocce ball courts exist at other wineries throughout the County, but staff is only aware of one circumstance where a bocce ball court is formally recognized in a winery use permit (Bell Winery). Otherwise, most bocce ball courts have occurred in a fashion similar to this winery and been used for recreational purposes during wine tasting activities. Staff recommends removal of the bocce ball court and the conversion into a garden/landscape feature or additional outdoor seating for hospitality visitation use (COA Nos. 6.15(e) and 9.9 (b)). A formal policy regarding bocce ball courts and other outdoor entertainment uses may be developed in the next year in concert with Board of Supervisor's 2019-2020 Strategic Plan (Strategic Action Item 9C - Pillar - Liveable Economy for All). In advance of any formal Board policy, for the Planning Commission to approve a bocce ball court as part of this project, the Commission will need to find that the use is incidental and customarily part of the main

wine production use.

Outdoor Hospitality Area Lighting - Although the site is currently developed with an existing winery, the increase in production may result in additional hours of operation, and increase in marketing activities during the harvest season that may have the potential to impact nighttime views. Existing string lights were previously installed with the improvements associated with the outdoor visitation area. The closest residences are approximately 350 feet from the winery building, 430 feet from outdoor patio area, and 500 feet from the outdoor garden area. Although the project is in an area that has a certain amount of existing nighttime lighting, the installation of any additional sources of nighttime lights may affect nighttime views. Pursuant to standard Napa County conditions of approval for wineries, all existing outdoor lighting are required to be shielded and directed downward, with only low-level lighting allowed in parking areas. Any additional lighting, if needed will be subject to the County's standard lighting condition. Furthermore, staff is recommending through COA Nos 6.15(c) and 9.9(b) that the existing string lights be removed and replaced with lighting that is shielded and directed downward (e.g., providing a cap or hat over the exposed light bulb) to comply with the County's standard condition on lighting.

Noise - Existing Condition of Approval #14 Noise for establishment of the winery (Use Permit P06-01095-UP) provided that "...There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings." The applicant has requested that this prohibition be removed thereby allowing the winery to maintain the outdoor speaker system for background music and to permit amplified and non-amplified music performances or speech in the outdoor patio and garden area during visitation and/or marketing events.

To support this request, the applicant submitted an Environmental Noise Assessment prepared by Illingworth & Roadin, Inc dated August 19, 2019 (Attachment K). The analysis quantified the existing noise levels near the property lines of the closest noise sensitive residential uses by monitoring ambient noise consisting of two long-term and one short term noise measurement conducted between 1 pm on Wednesday, August 7th and 11 am on Monday, August 12th, 2019 extrapolating the results into future noise generated by the increase in winery activity. The closest noise sensitive uses to the winery selected were four non-applicant owned residences located to the west, south and east. The noise analysis identified four types of operations associated with wine production and events at the winery that would continue to produce noise at existing levels or as requested in this modification request: project traffic, winery operations and seasonal production activities, maintenance and forklift operations and marketing event noise. Of the first three types of activities, the analysis revealed that all four residences would not experience elevated and/or exceed levels of noise beyond the County's Noise Ordinance Standards and, therefore, no mitigation would be required. Daytime Noise Limits for project traffic (automobile parking and traffic and truck traffic) is 60 dBA or 65 dBA respectively; projected exposure levels were below this standard. Daytime Noise Limits for winery operations (mechanical equipment, crush related, bottling, and maintenance/forklift operations noise) is 50 dBA; projected exposure levels were below this standard. Daytime Event Noise Limits for marketing event noise is 50 dBA; projected exposure levels were below this standard for all four residences in which distances range between 350 feet to 840 feet from the winery patio and garden area and within the winery building. No mitigation would be required; thereby impacts would not have an impact on the surrounding neighbors.

Given these results, staff would recommend that background music, amplified music and/or sound systems be permitted at marketing events only which would occur 24 times per year. Staff would also recommend that only background music be utilized during daily visitation activities, which would occur seven days per week from 9 am to 5 pm. It should be noted that continuing enforcement of Napa County's Noise Ordinance would be conducted by the Division of Environmental Health and the Napa County Sheriff, including the use of amplified music, if authorized by the Planning Commission, to ensure that marketing events and other winery activities do not create a significant noise impact beyond the County's noise limits. Marketing events and background music, amplified music and/or sound systems would be, excluding quiet clean-up required to finish by 10:00 p.m. Temporary events would be subject to County Code Chapter 5.36, which regulates proposed temporary events.

Traffic and Parking - The applicant submitted a Traffic Impact Study (TIS) prepared by W-Trans, dated September 11, 2019 (Attachment J). This study was prepared for both the Shadybrook Estate Winery and the Rapp Equestrian Center. The County is also processing a Use Permit application for the Rapp Equestrian Center (P18-00197-UP). It should be noted that a separate environmental analysis has been prepared for the establishment of the existing equestrian center in recognition of existing activities (staffing, visitation and marketing events for commercial horse boarding, riding and lessons) and to resolve a code violation for illegal building activities.

The study area for this TIS analyzed the intersections of First Avenue and Second Avenue and North Avenue and Coombsville Road. The study revealed that all four intersections currently operate at acceptable service levels overall (LOS A or B) and the minor street approaches during peak hours it would be expected to continue doing so with the proposed project and with the Rapp Equestrian Center. Under anticipated future volumes with and without project-generated traffic, the intersections are expected to operate acceptably at LOS A and B overall and on the stop-controlled approaches during both peaks. Access to the site occurs via Rapp Lane. Sight lines along Second Avenue from the project access roadway have been determined adequate. Left-turn lanes have been determined not warranted, and therefore, not recommended at the project's access on Second Avenue. Using the County's winery trip generation assumptions, the proposed project would be expected to generate an average of 46 new weekday trips, with 17 trips during the p.m. peak hour, and 44 net new weekend trips, with 25 trips during the weekend peak period. The Rapp Equestrian Center currently generates 64 daily trips, with 24 trips during the p.m. peak hour and 36 trips during the weekend peak hour; this would not change as result of the Conditional Use Permit being requested at this time.

Although the TIS prepared for the project did not reveal any significant impacts in traffic generation as a result of increase winery activity, it was recommended and the applicant has incorporated into the project the following: when reservations are made for a larger groups, staff should encourage the guests to carpool or use a shuttle or van. Additionally, it was recommended that the winery implement a Traffic Demand Management (TDM) plan that may reduce peak-hour vehicle trips by promoting employee carpooling, implementing Guaranteed Ride Home (GHR) program and potentially providing lunch on-site. To ensure that these activities are conducted, staff will recommends adding a project specific condition to ensure that a TDM plan is implemented by the winery.(See COA #4.20(c))

The winery was originally approved for nine (9) parking spaces. Currently, there are a total of 25 parking spaces available to accommodate current winery operations. The applicant is requesting one additional space for a total of 26 spaces and requesting recognition of the current parking configuration to accommodate the winery's existing and proposed business plan, visitation, marketing activities, and number of employees. Events over 30 persons would require group transportation as proposed by the applicant (COA #4.3). Staff has no concerns with this parking lot configuration and the increased number of parking spaces.

Winery Access - As proposed the winery would continue to be accessed via the existing Rapp Lane, which is a gated paved private road commencing at the north end of Second Avenue and Chateau Lane. Existing site access and minor winery parking improvements and access between Rapp Equestrian Center was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department. To ensure that winery access is limited only to Rapp Lane, staff has imposed a condition of approval that all winery-related activities shall take access via the Rapp Lane access road as depicted on the project plans, dated November 20, 2019, and that no winery access is authorized on Chateau Lane.

Groundwater Availability - A Water Availability Analysis for the project was completed by RSA+, dated July 9, 2018 (Attachment H). The project site is located in the designated Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area. The parcel is 11.37 acres and there is an existing well on the property. Groundwater Permit # 90-00069 was granted in 2003 for water storage tanks and 5.9 acre feet/year (af/yr) water use. In 2007, this ground water permit was revised and reduced pursuant to Use Permit Modification P06-01095-MOD to 3.41 af/yr (residential - 0.50 af/yr; winery - process 0.46 af/yr, domestic 0.11 af/yr, and landscaping 0.32 af/yr; vineyard - 2.02 af/yr). The winery has an

approved Domestic Water Supply Permit for a Public Water System with State ID# 28-00046. The parcel is also participating in the MST recycled water community facilities district in which irrigation demand is met with recycled water. Rapp Equestrian Center on the adjacent parcel (APN 052-170-018) under common ownership has an area of 11.97 acres and is entitled to groundwater usage of 4.16 af/yr per Napa County Groundwater Permit 90-00051. The Equestrian Center currently irrigates with the existing well water on the property. The applicant, who owns both parcels, requests consolidation of the required public water system for Shadybrook Estate Winery with Rapp Equestrian Center. (Refer to COA#4.18(b))

The proposed modifications to Shadybrook Winery will result in a net decrease in the use of the groundwater by 1.0 af/yr for a total water demand at the Winery to be 2.41 af/yr (residential - 0.50 af/yr; winery - process 1.07 af/yr, domestic 0.33 af/yr, and landscaping 0.32 af/yr; vineyard - 0.19 af/yr [1.83 irrigated from MST recycled water]). This reduction is proposed to be achieved through the use of recycled water for most of the vineyard irrigation. The proposed modifications to the Rapp Equestrian Center will result in no change in the use of groundwater. The resultant groundwater demand for both parcels will be less than the associated ground water permits and use permit allocation. The winery, as part of its entitlement would include project specific condition limiting the parcel to 2.41 af/yr, requiring well monitoring, as well as, the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use [COA Nos. 4.20(a), 6.15(a) and 9.9(a)]. It should be noted that the Ground Water Permit would be replaced with condition of approval for future reference of water use in the MST. Therefore, any changes to the supply amount would be regulated through any future amendments to this entitlement. Furthermore, the Public Works Department has reviewed the proposed project for compliance with the parcel's groundwater permit and has recommended a condition to ensure use of best available technology and best management water conservation practices, as well as, continued metering of groundwater usage, and to limit the parcel for all groundwater consuming activities to 2.41 acre-feet per year. [Refer to COA Nos. 4.18(d) and 6.1(d)]

Wastewater - The applicant is requesting that Shadybrook Winery and the Rapp Equestrian Center have a share wastewater system. RSA+ prepared a Wastewater Feasibility Report, dated December 26, 2018 (Attachment I) that demonstrated that Shadybrook Winery can treat and disperse process wastewater on site and that both Shadybrook Estate Winery and the Rapp Equestrian Center can treat and disperse domestic wastewater on the winery site, meeting the Napa County Environmental Management Design Standards for treatment of processed and domestic wastewater. New improvements associated with the winery's expansion include replacement or conversion of existing tanks located on the property and the addition of equipment for a more desirable treatment processes. The Division of Environmental Health has reviewed the application materials and determined that the proposed improvements would be adequate to serve the winery and equestrian center as proposed. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal.

Greenhouse Gas Reduction Strategies - The applicant intends to implement the following GHG reduction strategies at the winery: vehicle miles traveled reduction plan – events over 30 persons will require group transportation; energy conserving lighting, energy star/living roof/cool roof; connection with recycled water; install water efficient fixtures; water efficient landscaping; planting of shade trees within 40 feet of the south side of the building elevation; limit the amount of grading and tree removal – improvements were limited to previously developed areas; use of recycled materials; local food production; education to staff and visitors on sustainable practices; use of 70-80% cover crop; and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site.

Grape Source - The winery property has approximately 6.74 acres of vineyard planted, which equals approximately 27.84 tons or 4,200 gallons of wine. In addition, the applicant owns approximately 5.36 acres of vineyard on the adjacent Rapp Equestrian Center Parcel (APN 052-170-018), which equals approximately 21.44 tons or 3,200 gallons, totaling 7,400 gallons. Based upon the applicant information within the submitted a summary of the property owner's vineyard acreage to accommodate the existing wine production and the requested increased in

production, Rapp Estates, LLC owns a total of 85+/- acres of vineyards including the two above mentioned parcels. (Attachment F). This acreage is expected to yield approximately 439 tons of grapes or 70,990 gallons of wine annually. Currently, a large portion of the grapes are sold to other wineries.

Public Comments – Staff has received public comments in support of the project and comments opposing the project expressing concern regarding potential traffic increases in the surrounding area associated with expansion of winery operations (Attachment P).

Decision-making Options Regarding Remedying Existing Violation:

Staff recommends approval of the components of the project necessary to remedy the existing violation with conditions of approval as described in Option 1 below.

Option 1: Approve Applicant's Proposal (Staff recommended option).

Disposition - This action would result in approval of the demolition and replacement of the existing agricultural barn with a portion (3,001 sf) converted into wine production for barrel storage space for the winery. It would also recognize the number of employees currently working at the winery, existing parking configuration and number of spaces, the existing amplified sound system or amplified music utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio and event garden area and existing improvements made to the winery without prior authorization's and/or building permits except the bocce ball court, string lighting in the outdoor visitation/marketing areas and winery signage. As analyzed by staff, such improvements and increase in employees will have minimal impacts to the environment and the surrounding area. Therefore, staff recommends this option, as it would be consistent with the Zoning Ordinance and applicable General Plan policies, as presented in the Recommended Findings (Attachment A).

Action Required - Follow the proposed action listed in the Summary section of this staff report.

Option 2: Prohibit or Reduce Requested Modifications.

Disposition - This option would result in a reduction in the number of existing employees, the size of the proposed barrel storage building, the number of parking spaces, or prohibit use of amplified music outdoors. This option could result inefficiencies at the winery with respect to wine storage space and employees needed to accommodate winery operations. Upgrading of existing wastewater equipment may still be required under this option if some level of employee increase is necessary.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project-specific conditions of approval to reduce the scope of the project. This option would have proportionately fewer environmental impacts as compared to those discussed in the Initial Study/Negative Declaration, and thus, no new analysis beyond that of the Negative Declaration would be necessary. The item would need to be continued to a future date if significant revisions to the recommended conditions of approval or desired.

Option 3: Deny the Applicant's Proposal.

Disposition – This action would result in the winery reverting back to the originally approved operations and improvements authorized in Use Permit #P06-UP and Very Minor Modification #P12-00374-VMM, thereby all improvements made to the winery outside of the entitlement scope would have to be removed and reconstructed back to this approval. Employee levels would be reduced to two full-time and one part-time.

Action Required - In the event that the Commission determines that the proposed Major Modification does not or cannot meet the required findings for grant of a Major Modification, Commissioners must articulate the basis of the

conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

Continuance Option.

The Commission may continue an item to a future hearing date, at its discretion.

Decision-making Options Regarding Expansions Beyond Existing Entitlements:

Staff recommends approval of Option 1.

Option 1: Approve Applicant's Proposal (Staff recommended option).

Disposition - This action would increase the winery's permitted production level 30,000 to 70,000 gallons of wine per year, a change to visitation and marketing operations and minor very minor improvements to the winery. The CEQA analysis, an Initial Study/Negative Declaration, prepared for the project concluded that there would be no significant environmental impacts associated with increased operations in the winery, and the addition of a small wine barrel storage building which will be located where an existing agricultural barn was located and had been recently replaced with a new building. The analysis revealed that there would be no significant impacts associated with proposed traffic increases and/or no noise impacts from expanded winery operations (e.g., production, visitation, marketing, and employees). It was determined that groundwater demands would fall below the existing groundwater permit levels established for the property. Based on the reasons stated above, this option would be consistent with the Zoning Ordinance and applicable General Plan policies and would support the business operations of the existing winery.

Action Required - Follow the proposed action listed in the Summary section of this staff report.

Option 2: Modify the Applicant's Proposal to Allow a Reduced Number of Wine Production, Visitation, and/or Marketing Events.

Disposition - As with Option 1, this option would allow an increase in wine production, visitation, and marketing events, but less than what the applicant is requesting. Automobile trips associated with this option would be fewer than the estimated number of trips identified above, as well as, projected use of groundwater and wastewater. Upgrading of the existing wastewater system on-site would still be necessary under this option.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project-specific conditions of approval to reduce the number of production, visitation and marketing/or events to a specified maximum. This option would have proportionately fewer impacts as compared to those discussed in the Initial Study/Negative Declaration, and thus, no new analysis beyond that of the Negative Declaration would be necessary. The item would need to be continued to a future date if significant revisions to the recommended conditions of approval or desired.

Option 3: Deny the Applicant's Proposal.

Disposition – This action would result in the winery reverting back to the approved operations and improvements authorized in Use Permit #P06-UP and Very Minor Modification #P12-00374-VMM, thereby all improvements or operations made to the winery outside of the entitlement scope would have to be removed and reconstructed back to this approval. As with Option 2 above, this option would result in maintenance of the existing condition and result in fewer daily trips, less groundwater use and less wastewater generation as compared to the proposed project, and no physical changes to the winery's production facilities or utilities infrastructure would be necessary.

Action Required - In the event that the Commission determines that the proposed Major Modification does not or cannot meet the required findings for grant of a use permit, Commissioners must articulate the basis of the conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

Continuance Option.

The Commission may continue the item to a future hearing date, at its discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval & Agency Memos
- C . Code Compliance Action
- D . Previous Project Conditions
- E . Draft Initial Study/Negative Declaration
- F . Major Modification Application Packet
- G . Proposed Project Plans
- H . Water Availability Analysis
- I . Wastewater Feasibility Study
- J . Traffic Study
- K . Noise Assessment
- L . Stormwater Control Plan
- M . Graphics
- N . Winery Comparison Analysis & Summary of Changes
- O . Public Comments
- P . 7D Public Comments (Added after initial agenda posting)
- Q . 7D Comments (Added after meeting)
- R . Additional Public Comment (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona