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file № P11-00348

### Napa County

### Conservation, Development, and Planning Department

1195 Third Street, Suite 210, Napa, California, 94559

(707) 253-4417

web www.countyofnapa.org/cdp/

cdp@countyofnapa.org

Use Permit Applicatio	n			
To be completed by Planning staff.	. <u>.</u>			
Application Type: WINERY USE PERMIT (NEW)				
Date Submitted: 9211 Resubmittal(s): 17.19.2011	Date	Complete:		
Request: USE PERMIT FOR A NEW 50,000		1000	R YEAR	2
WINE RY WITH: 124 PERSON (MAX) PERDA		The state of the state of		
FOOD PAIRINGS, 2 146 EVENT (24 to 12			_	
PROGRAM, 19,072 # OF NEWEX REMODELL	. /		ATURN	100
ON SILVERADO TRAIL, A STRAM CROSTING-CHARDMAN CR	-	7	/-	*
97.3	eived by:	3	Date: 9 21	//
* PLEASE SEE 711.00495 FOR ASOCIATED STREAM		ees will be base	PTION .	naterials
To be completed by applicant				
Project Name: Krupp Brothers Winery				
Assessor's Parcel №: <u>039-610-006</u>	_ Existing Parcel 9	ize: <u>13,23</u>		_ac.
Site Address/Location: 3150 Silverado Trail	Napa City	CA Starre	94558 Zip	
Primary Contact: Owner Applicant Representative	e (attorney, engine	er, consulting	planner, etc.)	
Property Owner: Bart and Patricia Krupp				
Mailing Address: 300 Upper Mountain Avenue	Monteclair	NJ State	07043	
Telephone Nº(800 )526 -4707 E-Mail: Bart.Krupp@aol.com			· 	
Applicant (if other than property owner): <u>Dr. Jan Krupp</u>				
Mailing Address: 3267 Soda Canyon Road	Napa	CA	94558	
Telephone № (707 ) 226 _2215 E-Mail: Jan@KruppBrothers.com	City	SIME	Z1p	
Representative (if applicable): Donna B. Oldford, Plans4Wine				
Mailing Address: 2620 Pinot Way	St. Helena	CA	94574	
Telephone Nav 707 2963 5832 E Mail DROIdford@aol.com	City	State	Zip	

#### DONNA B. OLDFORD

#### PLANS4WINE 2620 PINOT WAY ST. HELENA, CALIFORNIA 94574

TELEPHONE (707)963-5832 E-MAIL DBOktfort@aol.com RECEIVED

March 16, 2012

MAR 1/9 2012

NAPA CO, CONSERVATION
DEVELOPMENT & PLANNING DEPT

Mr. Chris Cahill Planner III Napa County Dept. of Conservation, Development & Planning 1195 Third Street, Suite 210 Napa, CA 94559

SUBJECT: PROJECT REVISION MATERIAS FOR KRUPP BROS. WINERY

Dear Chris;

Please accept the enclosed revised use permit sheets, along with revised plans and exhibits, as a request for modification of the Krupp Brothers Winery application as it was original filed with the County and per our discussions and meetings on-site. There are several key revisions in these materials, as follows.

- (1) Elimination of Phasing Plan for Winery Construction: The revised project will be built entirely in one phase of construction.
- (2) Winery Access Road: The original winery access circulation plan has been revised, with the elimination of the loop road to the west and consolidation of the access into a single lane crossing one railcar span bridge over Hardman Creek, then extending in a southerly direction on the western façade of the winery structures. Due to encroachment into the broad stream setback, we have requested an exception to the County Conservation Regulations that would allow this. The biologist has prepared a memo which addresses potential impact involved with this encroachment, specifically. That letter is included with these materials, as is the biological assessment for the overall site including the bridge.
- (3) Revised Coverage Numbers and Winery Structures Square Footage: The revisions to the access road system resulted in minor revisions to the new winery structures and those numbers and the associated thresholds are presented herein.
- (4) Request for Entry Structure and Signage: We have included the design for a winery entry structure, with integrated winery identification signage, as part of the overall landscape plan for the site. The entry structure will be a logical extension of a proposed 4-ft. (or less) rock wall along the Silverado Trail frontage. Since all of these are located within the County's very wide right-of-way for Silverado Trail, an exception will be required for all three.
- (5) <u>Biological Report (Expanded)</u>: Although the County's GIS data system did not call for a biological reconnaissance of the site, we were asked by Planning and Fish & Game to provide this level of detail as a part of the evaluation of the exception to the *County Conservation Regulations* and of the railcar span bridge crossing Hardman Creek. That report is included with these materials.

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The biological reconnaissance found an unexpected man-made wetlands area at the far southeastern part of the site. The potential impact of the winery related to that occurrence has been evaluated in the biology report, and suitable mitigation measures proposed to minimize any potential impact to a level that is "less than significant."

The landscape concept has been revised to accurately reflect the slightly revised site plan and structural footprint. In addition, the plant materials envisioned for the proposed creek restoration plan have been amended to include only native plant materials, per the suggestion of the biologists. The revised landscape plans reflect these revisions and we have also submitted a separate exhibit which reflects the creek restoration landscape plan proposal exclusively.

The winery wastewater system has omitted the interim Hold-and-Haul system for process wastewater treatment.

The Winery Marketing Plan has been revised, more in format of events than in actual numbers. The revised plan, along with the details of food service, is included in both the enclosed application inserts and in the enclosed Revised Project Statement. Per your request, we are also enclosing an update on the traffic report prepared by Omni-means, pertaining to safety, sight distance, and the Silverado Trail left-turn lane stacking capacity.

Please feel free to contact me directly with any questions that you might have about the revised plans and the enclosed insert application sheets and revised Project Statement.

Sincerely,

Donna B. Oldford

Plans4Wine

**Enclosures: Revised Plans** 

Revised Engineering Reports

Revised Winery Use Permit Application pages 6, 9, 10 and 12

Revised Project Statement narrative

Exhibits for revised coverage and area of encroachment

Biological Study for Site

Biological evaluation of proposed encroachment memo

Traffic Update Memorandum

#### **Use Permit Information Sheet**

#### Use

Narrative description of the proposed use (please attach additional sheets as necessary):

Proposal for a new 50,000-gallon per year production winery consisting of conversion of a 5,401-sq. ft. existing residence into a wine tasting and administrative offices building, a new 10,934-sq. ft. wine production and storage building, and an underground 3,008-sq. ft. barrel storage chai; process and sanitary wastewater treatment facilities; winery access road and left-turn installation on Silverado Trail; total of 11 parking space including 2 ADA-accessible spaces; mechanical equipment facilities and water storage tanks/pad.

Project also includes a landscape concept reflecting landscaping for buildings and along winery access roads and the winery entry; an entry structure and signage plan; a creek restoration plan; and a low rock wall (no more than 4 ft. high) located within Silverado Trail right-of-way.

Project requests a winery use permit; an exception to the County Conservation Regulations (encroachment w/i creek setback); and an exception to the Winery Signage Ordinance to allow winery entry structure with integrated sign to be constructed within the County's right-of-way; and an encroachment permit allowing the above and a 4-ft. (or less) high rock wall along the Silverado Trail alignment.

What, if any, additional	licenses or approvals will be required to allow th	e use ?	
District	N/A	Regional RWQCD	- San Francisco Bay Area
State	ABC	Federal	BAT

#### **Improvements**

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

Total of 75,120 sq. ft. of winery improvement area impervious surfaces, including conversion of an existing

5,410-sq. ft. residence into winery accessory use.

New 10,934-sq. ft. winery building and a new 3,008-sq. ft. underground barrel storage chai

Winery access roads, parking areas, and left-turn lane from Silverado Trail into winery entry

Wastewater treatment system for process and sanitary wastewater

Water storage tanks/pad water storage, including water for fire protection

Mechanical areas and pads for support facilities

Winery entry structure with integrated winery identification signage

Landscaping around structures, roads, and winery entry and landscaping in the form of creek restoration

improvements, cont.				
Total on-site parking spaces:	N/A	existing	proposed	
Loading areas:	<u>N/A</u>	existing	proposed	
Fire Resistivity (check one; if not checked, Fire Manager of Type I FR Type II 1 Hr Type IV H.T. (Heav	Type ii N (non-	rated) Type IIi 1	Hr Type     N Type V (non-rated) alifornia Building Code)	
Is the project located in an Urban/Wildland Inte	rface area?	Yes 🗸	No	
Total land area to be disturbed by project (inclu	de structures, roads, s	septic areas, landscaping	g, etc): 2.2	acres
Employment and Hours of Ope	eration			
Days of operation:	_N/A	existing	7 days/week	proposed
Hours of operation:	N/A	existing	6:00 am - 6:00	pm_proposed
Anticipated number of employee shifts:	N/A	existing	2	proposed
Anticipated shift hours:	N/A	existing	6:00 am - 6:00	<u>pm</u> proposed
Maximum Number of on-site employees:  10 or fewer 11-24 25  Alternately, you may identify a specific number	i or greater (specify no of on-site employees:	umber)	<del></del>	
other (specify number)				

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Supple	mental Applica	ation for Win	ery Uses	
Operations				
Please indicate whether the activity or uses below ar application, whether they are <u>NEWLY PROPOSED</u> as				
Retail Wine Sales	Existing	Expanded	Newly Proposed	None
Tours and Tasting- Open to the Public	Existing			
Tours and Tasting- By Appointment	Existing	Expanded	Newly Proposed	None
Food at Tours and Tastings	Existing	Expanded	Newly Proposed	None
Marketing Events*	Existing	Expanded	Newly Proposed	None
Food at Marketing Events	Existing	Expanded	Newly Proposed	None
Will food be prepared		On-Site?	atered?	
Public display of art or wine-related items	Existing	Expanded	Newly Proposed	None
* For reference please see definition of "Marketing," o	at Napa County Code §	18.08.370 - <u>http://li</u>	brary.municode.com/index	aspx?clientId=16513
Production Capacity *				
Please identify the winery's				
Existing production capacity: N/A	gal/y Per pen	mit Ne:N/A	A Permit d	ate: N/A
Current maximum actual production: N/A	<u> </u>	gal/y For what ye	ear?N/A	
Proposed production capacity: 50,000	gal/	y		
* For this section, please see "Winery Production Produ	cess," at page 11.			
Visitation and Hours of Operation				
Please identify the winery's				
Maximum daily tours and tastings visitation:	N/A	existing	124 day	max, proposed
Average daily tours and tastings visitation <sup>1</sup> :	N/A	existing	60/day	avg. proposed

N/A

N/A

existing

existing

Visitation hours (e.g. M-Sa, 10am-4pm):

Non-harvest Production hours2:

8:00 AM-6:00 PM\_proposed

6:00 AM-6:00 PM proposed

<sup>&</sup>lt;sup>1</sup> Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.
<sup>2</sup> It is assumed that wineries will operate up to 24 hours per day during crush.

#### Grape Origin

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C).

#### Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

Private by appt. wine tours/tastings: Max. of 124 persons per day; avg. of 60 per day; food with tastings.

Meals Served with Wine: Avg. 2 per week and max. 5 per week; max. of 105 events per year (max. 24 persons)

Wine Club Events: Max. of 4 per year (max. 75 persons each). May include catered meals served with wine.

Wine Release Events: Max. of 4 per year (max. 75 persons each). May include catered meals served with wine.

Larger Auction-related Events: Max. of 2 per year (max. 125 persons each). May include catered meals served with wine and will utilize portable facilities.

On-site commercial kitchen for some on-site food preparation and service. Catering for some of the larger events.

Request A.B. 2004 ("Picnic" Ordinance) allowing wine consumption on premises; also, food served with tastings.

Note: On days when full-service meals are served, tours and tastings will be limited to a max, of 100 persons.

#### Food Service

Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service. (Attach additional sheets as necessary.)

Food served with wine tours/tastings will be prepared in the winery's commercial kitchen, except for the larger events, which will be catered using the commercial kitchen as a staging/plating area. This food might consist of hors d'ouvres or a series of "light bites" paired with and to compliment the wines.

Meal events will consist of full-service luncheons or dinners served from the commercial kitchen or via caterers, food to be paired with the wines. During busier seasons, there may be up to 5 such events per week, but these events will average 2 per week in number most times. Max. of 105 events per year, with max. 24 persons each.

Wine Club eents may consist of hors d'ouvres served with wines or a selection of "light bites." These events will be catered if larger in numbers (max. of 75). If small, service may be via the commercial kitchen.

Wine Release events will be similar in scope to Wine Club events, but scheduled at the times of key wine releases. Food will be served in the form of hors d'ouvres, "small bites," or in some cases, full-service meals. If larger than 24 in number, the meals will be catered. Max. of 75 persons at these events.

Larger Auction-related Events may be lighter food such as hors d'ouvres or "small bites," or they may be full-service meals. These events will be catered.

Request A.B. 2004 ("Picnic" Ordinance) to allow on-site wine consumption. Also request approval to serve food with the wine tours/tastings.

Winery Coverage	and Accessory/Pro	duction Ratio		
Winery Development Are	a. Consistent with the definition	n at "a.," at page 11 and with t	he marked-up site plans inci	uded in your submittal, please
indicate your proposed wi	inary development area. If the fa	acility already exists, please dif	ferentiate between existing	and proposed.
Existing	N/A	sq. ft.	NA	acres
Proposed	75,120	sq. ft.	1.7	acres
	ent with the definition at "b.," a rerage (maximum 25% of parcel sq. ft.			our submittal, please indicate
	stent with the definition at "c.," are footage. If the facility already			r submittal, please indicate your d.
Existing	N/A	_sq. ft. Propose	ed 1	3,692 sq. ft.
	t with the definition at "d.," at perfect the facility already N/A			
Proposed	5,410	sq. ft.	39.5	% of production facility
		THESE FILE  SUPERSET	GURES ARE DED BY THE	COVELL
Caves and Crush	pads	4.25.12 "	BULDING ST	ATUTICS" PCAN
If new or expanded caves	are proposed please indicate wh	nich of the following best descr	ribes the public accessibility	of the cave space:
None – no visitors/tou	urs/events (Class I)	Guided Tours Only (Cla	ss II)	ublic Access (Class III)
Marketing Events and	or Temporary Events (Class III)			
Please identify the winery	r's			
Cave area	Existing: N/A	sq. ft.	Proposed:l	N/A sq. ft.

\_sq. ft.

sq. ft.

Proposed: \_\_

Proposed: \_

N/A

N/A

Existing: \_\_

Existing: \_

Covered crush pad area

Uncovered crush pad area

\_sq. ft.

sq. ft,

1,416

None

#### Initial Statement of Grape Source

Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c), I hereby certify that the current application for establishment or expansion of a winery pursuant to the Napa County Winery Definition Ordinance will employ sources of grapes in accordance with the requirements of Section 12419(b) and/or (c) of that Ordinance.

Owner's Signature

Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public

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Water Supply/ Waste	Disposal Information Sheet	t	
Water Supply			
Please attach campleted Phase I Analysis sheet.	Domestic	Emergency	
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	Well	Storage tank(s)	
Name of proposed water supplier (if water company, city, district):	N/A	N/A	
Is annexation needed?	Yes No	Yes No	
Current water use:		r day (gai/d)	
Current water source:	Well	Well + pool	
Anticipated future water demand:		Per CDF Req. gal/d	
Water availability (in gallons/minute):	gal/m	220 gal/m	
Capacity of water storage system:	30,000 gal	Same 30,000 gal	
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	Water storage tank(s)		
Liquid Waste Please attach Septic Feasibility Repart	Domestic	Other	
Type of waste:	sewage	N/A	
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	On-site	On-site	
Name of disposal agency (if sewage district, city, community system):	Upper Valley	Upper Valley	
Is annexation needed?	Yes No	Yes No	
Current waste flows (peak flow):	550gal/d	N/A gal/d	
Anticipated future waste flows (peak flow):		N/A gal/d	
Future waste disposal design capacity:	gal/d	N/A gal/d	

#### Solid Waste and Recycling Storage and Disposal

Please include lacation and size of solid waste and recycling starage area on site plans in accordance with the guidelines available at www.countyofnapa.arg/dem.

#### Hazardous and/or Toxic Materials

If your facility generates hozardous woste or stores hazardous materials above threshold planning quantities (55 gallans liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or o hazordous waste generator permit will be required.

Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): Spoils used on at the Gradie Main for spoils area.

Page 14 of 29



### Winery Traffic Information / Trip Generation Sheet

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DEVELOPMENT & PLANNING DEPT

			with the state of the control of the
Traffic during a Typical Weekday			<i></i>
Number of FT employees: x 3.05 one-way trips per employee	=	18	daily trips.
Number of PT employees: 4 x 1.90 one-way trips per employee	=	8	daily trips.
Average number of weekday visitors:/ 2.6 visitors per vehicle x 2 one-way trips	=	46	daily trips.
Gallons of production:/ 1,000 x .009 truck trips daily 3 x 2 one-way trips	=	9	daily trips.
Tota!	#	81	daily trips.
(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x.38)	=	31	PM peak trips.
Traffic during a Typical Saturday			
Number of FT employees (on Saturdays):6 x 3.05 one-way trips per employee	=	18	daily trips.
Number of PT employees (on Saturdays): 4 x 1.90 one-way trips per employee	=	8	daily trips.
Average number of Saturday visitors:/2. 8 visitors per vehicle x 2 one-way trips	=	64	daily trips.
Total	=	90	daily trips.
(Ng of FT employees) + (Ng of PT employees/2) + (visitor <u>trips</u> x .57)	=	51	PM peak trips.
Traffic during a Crush Saturday			
Number of FT employees (during crush): x 3.05 one-way trips per employee	=	18	daily trips.
Number of PT employees (during crush):4 x 1.90 one-way trips per employee	=	8	daily trips.
Average number of Saturday visitors:	=	64	daily trips.
Gallons of production:	=	9	daily trips.
Avg. annual tons of grape on-haul: 350 / 144 truck trips daily 4x 2 one-way trips	<b>=</b>	5	daily trips.
Total	=	104	daily trips.
Largest Marketing Event- Additional Traffic			
Number of event staff (largest event):x 2 one-way trips per staff person	=	20	trips.
Number of visitors (largest event): 124 / 2.8 visitors per vehicle x 2 one-way trips	=	89	trips.
Number of special event truck trips (largest event): 4x 2 one-way trips	=	8	trips.

<sup>&</sup>lt;sup>3</sup> Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Troffic Information* Sheet Addendum for reference).

Assumes 4 tons per trip / 36 crush days per year (see Traffic Information Sheet Addendum for reference).

REV MARCH 19, 2012

### PROJECT STATEMENT FOR KRUPP BROTHERS WINERY

### 3150 SILVERADO TRAIL, NAPA, CA APN 039-610-006

The proposal is for a winery use permit for a 50,000-gallon per year winery on a 13.23-acre parcel of land located at 3150 Silverado Trail on the east side of the Silverado Trail in Napa County. The use permit seeks approval for winery facilities including the conversion of a 5,410-sq. ft. existing residence into a wine tasting/retail and administrative offices building; a new 10,934-sq. ft. winery structure and a new 3,008-sq. ft. underground barrel storage chai; wastewater treatment facilities for process and sanitary wastewater; winery access roads, parking for 11 spaces (including two ADA spaces) and a left-turn lane from the Silverado Trail; approval of an entry gate, low rock wall landscape feature along Silverado Trail, and winery signage integrated into the entry structure; also, approval of a winery marketing plan as described herein.

#### **Actions Requested**

The application contains a request for several actions, as follows.

- (1) <u>Approval of a winery use permit</u>: Approval for a 50,000-gpy winery with fermentation, wine storage, and accessory uses. Coverage on the site is 13 percent overall. Production-to-accessory ratio is 39.5 percent accessory.
- (2) Approval of an Exception to the Napa County Conservation Regulations: An exception is requested for a portion of the winery access road on the west side of the winery facilities and a retaining wall within the creek setback as depicted in exhibits included with this submittal.
- (3) Approval of a Creek Setback Restoration Plan: The landscape concept outlines a restoration plan for restoring portions of existing roads (for residence and established by the previous owner), except areas required for agricultural equipment operations. The restoration plan also includes restoration efforts along the segment of Hardman Creek that bisects the property. The biology report has evaluated the potential impacts associated with this proposal in a separate letter addressing the encroachment. See biology report and encroachment letter prepared by Kjeldsen Biology Consultants.
- (4) <u>Approval of a Left-turn Lane from Silverado Trail:</u> The traffic numbers associated with the winery meet the County Public Works threshold for the left-turn lane requirement from Silverado Trail into the winery entry.

(5) Recognition of an Encroachment Permit for 4-ft. Rock Wall within the Right-of-way for Silverado Trail: As part of the entry treatment landscape concept, the applicant wishes to construct a 4-ft. rock wall located within the right-of-way for Silverado Trail, with the understanding that applicant assumes responsibility for moving and/or reconstructing the wall should County work be required in the ROW and assumes liability for the structure as per County agreement. The encroachment agreement will include the low rock wall and the entry structure with integrated signage, due to the extremely wide width of right-of-way associated with Silverado Trail. This request is consistent with a number of other winery walls and fences and entry structures along the Silverado Trail.

#### **Background**

The Krupp Brothers have been the proprietors of Stagecoach Vineyards, on Soda Canyon Road, since 1995 and of the Krupp Vineyard since 1991. The Krupp Brothers' vineyard holdings total about 750 acres of planted vineyards, all of which are currently processed off-site. In addition to their own wine brand, the Stagecoach Vineyards sells their grapes to other wineries. The objective is that most of the hundreds of acres of vineyards on Soda Canyon Road will be processed at the new Krupp Brothers Winery on Silverado Trail. The 7 acres of existing vineyards on the Silverado Trail parcel will be processed to make an estate-bottled wine. A small portion of the existing vineyards will require removal for purposes of the winery access road.

The proposed winery site is located very near Soda Canyon Road, less than a quarter-mile south of the Soda Canyon Road intersection with Silverado Trail. The plan for this winery was the result of several years of considering a winery site at the end of Soda Canyon Road, where the Krupps' vineyards are located. The subject property for purposes of this winery use permit represents a more environmentally sensitive location that the steep grades at the upper reaches of Soda Canyon Road, and also a safer alternative relative to the existing Soda Canyon Road offers. Once the new winery is built, the applicant will be able to transport grapes from the Soda Canyon Road location with a much shorter travel distance than they now make to their custom crush facility in Oakville. This will result in a considerable savings of vehicular miles of travel.

The original proposal for this winery included a phasing plan for the winery facilities; however, the applicant has opted to build the winery all in one phase instead.

The Winery Marketing Plan, detailed in a subsequent section of this Project Statement, reflects a focused winery plan where the Krupp Brothers market directly to the consumers and offer a unique food and wine experience to their customers.

An important part of this project will involve a landscape restoration project to restore some existing residential roads within the creek setback to their previous natural state. In addition, we envision restoration landscape of Hardman Creek on the site, utilizing established programs and funding for these improvements. The biology report included with this filing has evaluated the restoration plans.

#### The Site

The subject property is a 13.23-acre parcel located on the east side of Silverado Trail, just south of the intersection of Soda Canyon Road and the Silverado Trail. The property is currently planted in 7 acres of vineyards and there is a 5,410-sq. ft. single-family residence on the property, as well as several outbuildings and a large swimming pool abd terrace area. The property was formerly the residence of Mr. and Mrs. William Strack and it was purchased by the Krupp Brothers in 2011, to become the home of their future winery.

The property is of fairly level elevation in proximity to the Silverado Trail and then climbs in elevation to the east, where the existing residence is located on a knoll. There is a "blue-line" stream (Hardman Creek) that bisects the property from north to south about two-thirds towards the property's eastern edge. The site contains a number of mature trees including oaks and eucalyptus among others. The applicant envisions preserving as many of these trees as possible. The creek area is extremely scoured, offering a compromised habitat area. (See biologist's report for details.)

The existing roads were built by the previous property owner, to provide access to the residence and to serve vineyard agricultural operations. Most of these existing roads will be abandoned and returned to their previous natural state, to be replaced with a winery access road and turnaround areas.

From the knoll where the residence is located, there are impressive views to both the western Mayacamas Mountains and to the east. The definition or this property does not meet the parameters for a Viewshed Ordinance review. However, the landscape plan proposes effectively screening of all winery structures. The application includes a photomontage rendering of the winery, which reflects the landscape concept at a 5 to 7-year maturation.

Land uses in the vicinity of this property include a number of major and small wineries, as well as a number of rural residential homes. Nearby wineries include: Regusci, Chimney Rock, Clos du Val, Signorello, Darioush, Black Stallion, Hagafen, Van der Heyden, and Reynolds Family, among others.

The applicant has prepared a letter with winery plans as an outreach to all neighbors on the 300-ft. noticing list and others who might be interested. He has also had a number of conversations with neighbors. The applicant will have letters of support for the proposed winery, from several of the neighbors closest to the site. A copy of this letter and attached materials will be provided for the County files. We request that the letter be included in the packet for the Planning Commission bearing.

#### **Local Plans and Ordinances**

The Napa County General Plan land use designation for the subject parcel is Agriculture. The Napa County Zoning Code designation is AW (Agricultural Watershed). In Napa County, this zoning designation allows wineries with an approved use permit.

In addition to the County's General Plan policies and Zoning Code provisions, the subject proposal must be consistent with the Napa County Conservation Regulations (or secure the appropriate exception to same) and the California State Unified Building Code regulations.

In Napa County, all new wineries (since February, 1991) are subject to the Napa County Winery Definition Ordinance (WDO). This ordinance defines what a winery can and cannot be, the operations of wineries, and the requirements for a winery as a legal use in this County. Among other requirements, it requires that winery improvements areas cannot exceed 25 percent of the land area comprising the parcel, and it requires that production uses must be a minimum of 60 percent of winery activities. There is a maximum 40 percent coverage for accessory uses such as tasting rooms, marketing areas, kitchens, and winery administrative offices.

In addition to the above, wineries must comply with the requirements of the Napa County Environmental Management Department and the Department of Public Works. Road standards for wineries are a minimum 20-ft. width unless an exception is granted on the basis of environmental constraints, or unless a lesser-width winery access loop is involved. The winery access road associated with this winery meets the County road standard. There is an existing railcar span bridge which provided access to the residence across Hardman Creek. The applicant proposes a new single-span railcar span bridge with a 20-ft, width, to be sited in the same general location of the existing bridge crossing. The biology report has assessed this bridge crossing in terms of impact.

This winery complies with most of the requirements of the above documents, except for an exception requested of the *Conservation Regulations* for the winery access road and a portion of the bridge abutment and an exception for the winery entry structure and integrated sign to be located within the Silverado Trail County right-of-way.

#### Environmental Review/County's GIS Data Base

A preliminary review of the subject property relative to the County's Geographic Information Systems (GIS) data base contains the following characteristics of the site.

<u>Flood Zone</u>: Parcel falls within the FEMA Flood Zone. No portions of the winery improvements are located within the Flood Zone, however.

Groundwater Watershed and CalWater Watershed: Hydrologic Region is San Francisco Bay. Hydrologic Unit is San Pablo. Hydrologic Area is Napa River. Super Planning Watershed is Lower Napa River. Planning Watershed is Mouth of the Napa River.

Local Drainage: Hardman Creek

<u>Soil Type</u>: Yolo loam, zero to two percent slopes. Coombs gravelly loam, two to five percent slopes. Haire loam, two to nine percent slopes.

CalVeg: No CalVeg data available for this parcel.

Contours: See grading Exhibit from RSA Engineering.

<u>HazMat Releases</u>: HazMat sites indicated on adjacent properties, Wilma P. Keig and Allen Farm.

<u>Archaeology</u>: Archaeological sites found on adjacent properties, but none on-site or within the winery development area. See archaeology report from Origer & Associates.

Faults: No faults indicated on this parcel.

Spotted Owls: No Spotted Owl nesting or potential habitat evidence for this site.

Special Plants: No Special Plants evidenced for this site.

Landslides: No landslide activity evidenced for this site.

Alguist Priolo Faults: No Alguist Priolo Faults evidenced for this site.

<u>Fire Hazard Severity</u>: Moderate fire hazard severity (SRA). Compliance with Chapter 7A of the *California Building Code* is required for new construction.

<u>Nearby Wineries</u>: This area is characterized as having a number of both major and small family wineries. Wineries in proximity to the subject property include: Regusci, White Rock, Chimney Rock, Clos Du Val, Signorello, Black Stallion, Darioush, Hagafen, Van der Heyden, William Hill, Reynolds, Andretti, and Luna.

#### Winery Site Plan and Winery Improvements

The winery site plan was developed with the goal of building the winery facilities outside the creek setback areas and outside the 600-ft. setback from Silverado Trail as prescribed in the County's Winery Definition Ordinance. The design team also wished to minimize the visibility of the winery structures. To this end, we propose conversion of the existing residence to a winery accessory structure and clustering of new winery structures in proximity to the existing residence and adjacent impervious-surfaced areas. We also intended to minimize the amount of impervious spaces associated with the winery and winery access roads, turnaround areas, etc.

Another objective of this planning effort was to return the existing residential access roads, constructed by the previous owner, to the natural state because portions of those roads are located within the creek setback for Hardman Creek. This restoration effort, in combination with landscape restoration closer to the creek, will be part of the landscape concept for the winery. The winery exhibits include a landscape concept reflecting screening of buildings, enhancement along winery access roads and the entry structure, and the restoration efforts. A separate exhibit reflects the restoration efforts singularly.

#### **Architectural Design Concept**

The existing residence will be remodeled and its western façade upgraded so as to be compatible with the design of the new winery buildings. The scale and design treatment of the converted residence will serve as a graceful entry to this production winery. And we avoid the creation of unnecessary additional impervious areas on the property and the addition of more structural elements than are necessary. The building will have a stone veneer over concrete façade on the lower levels.

The winery structures will have an old Tuscan look and feel. Face elements include stucco finish with matched transom windows. The roofs will painted metal, compatible with the existing room on the (converted) residence. All materials will be non-reflective.

#### **Landscape Concept**

The objectives of the landscape concept are screening and restoration of habitat-sensitive areas. A landscape concept plan is submitted with this application, and envisions plant species consistent with the County's requirements as relate to agriculture.

The new entry road off Silverado Trail will be graced by a landscape tree that offers a statement entry to the winery at the top of the knoll.

Winery structures will be screened with tree plantings and mounded shrubs near the base of some structures. There will be some well-placed orunmental color in key locations.

Existing residential access roadways will be largely returned to the natural state of the property prior to those roads being constructed partially within the setbacks of Hardman Creek. This restoration will be further enhanced by restoration of some creek setback areas, per the guidance of County Counservation. Plant materials proposed for the creek restoration plan will be native species, as per the recommendations of the consulting biologist who assessed the existing scoured creek area and the restoration proposal.

#### Winery Accessory Structure

The existing 5,410-sq. ft. residence on the property will be converted to a winery accessory structure for the most part, including a winery tasting/retail area, a commercial kitchen, winery administrative offices, visitor restrooms (including ADA) and storage.

#### Winery Barrel Storage Building

The new winery structure encompasses a total of 10,934 square feet and will serve as a production and storage area for the winery. A utilities area is located on the south side of this building. The building is comprised of an upper and lower level, with a mezzanine. Fermentation operations will occur on the upper levels of this building, with barrel storage on the lower levels. A small tasting area for barrel tastings is designated in this winery structure, to allow for industry visits and the occasional bung tasting.

#### Winery Barrel Storage Chai

A structure located on the south side of the new winery building is a 3,008-square foot underground barrel chai. This will provide barrel storage for the maximum production level of 50,000 gallons per year of predominantly red wines.

#### Winery Support Facilities/Utilities

A utilities enclosure will be part of the winery building, located on its south end. This will house utilities systems, including a water pump and fire pump, etc.

On the extreme south end of the winery improvements area, above the chai structure, there will be a pump house for the on-site well and concrete pads for water storage tank(s) that total some 30,000 gallons of water, or per CDF standards.

This area also will have a receiving area, located south of the chai building.

There are three outdoor covered work areas, including a crush pad (660 sq. ft.) + outdoor work area (289 sq. ft) + outdoor work area (467 sq. ft.), for a total of 1,416 sq. ft of covered outdoor work area.

Parking will be provided on paved, striped parking areas for eleven spaces. Two of these spaces will be ADA accessible, one located at the north side of the converted residence and the second one located in proximity to the production structures.

#### Winery Access Roads

The winery access road will be a 20-ft. width two-way road extending from Silverado Trail east to the converted accessory/production building. Hammerhead turaround area is provided here for fire protection. There is an existing bridge over Hardaman Creek that will be replaced with a 20-ft. railcar span bridge in approximately the same area of crossing. (See enclosed exhibits for precise location and extent of bridge and abutments.)

From the winery tasting/retail/administrative offices building, the winery access road will proceed to the south towards the new winery structures, on the west side of those structures. A portion of the winery access road and a retaining wall will be located

slightly within the creek setback (see enclosed exception request). This request has been evaluated by the biology consultant. The retaining wall is necessary in conjunction with the winery access road and will also serve to prevent sedimentation into Hardman Creek from construction and operations within the winery development area.

The construction of a left-turn lane will be required at the entrance of the winery. We envision the left-turn lane being constructed at the conclusion of construction and prior to issuance of a final occupancy permit for the winery. The necessary encroachment permits for construction of the left-turn lane, for the winery entry structure and integrated signage, as well as for the 4-ft. low rock wall along Silverado Trail will be obtained prior to the initiation of any new construction. (See included traffic analysis which assesses safety issues associated with the left-turn land and sight distance on Silverado Trail.)

#### Signage and Winery Gates

This application requests approval of a winery gate at Silverado Trail (24-ft. width per CDF regulations), designed to be consistent with the County's regulations related to gated winery entry treatment. The design of the winery gates is compatible with the design theme of the winery and with the overall landscape concept envisioned. The gate will open during the day and closed at night, or when the winery is closed. The required Knox box will be installed, per CDF regulations.

The winery sign will be integrated into the entry structure, consistent with the County's regulations for sign face and height. See included exhibit for design details relative to the winery sign. The winey entry structure is a graduated rock treatment connected with the proposed low (4 ft.) rock wall along the Silverado Trail alignment. Due to the extremely wide right-of-way in this location, the applicant requests an exception for the sign to be allowed as an integrated part of the entry structure stonework. This will also allow for a safer visual for motorists traveling to the winery.

#### **Water Facilities**

The site is served by an existing groundwater well, which yields some 220 gallons per minute. A *Phase One Water Report* prepared by RSA Engineering is submitted with this winery use permit application and shows that the existing well provides an adequate water source for the uses proposed on this site.

Water tanks capable of storing about 30,000 gallons of water will be located on the southeastern end of the property and appropriately screened with landscape materials. These tanks will hold water for all winery uses, including fire protection.

Because of the numbers reflected in the Winery Marketing Plan and the inclusion of a commercial kitchen, the winery must comply with the Transient Water Company Plan requirements of the State of California and Napa County Department of Environmental Management. A Transient Water Company feasibility report is part of this use permit application, and a Transient Water Company report will be filed with NCEM prior to

issuance of any building permits for the winery. Per State requirements, water quality will be tested quarterly and water quality reports filed with the appropriate agencies.

#### **Wastewater Treatment Facilities**

The winery is required to have both a process wastewater and sanitary wastewater treatment system. The sanitary wastewater system will be constructed to accommodate winery employees and visitors. For larger marketing events, portable facilities will be utilized on-site.

The process wastewater treatment system proposed is a subsurface discharge system. This system will accommodate the entire 50,000-gpy production level associated with all phases of the winery development. The system proposed is described in detail in the Wastewater Feasibility Report prepared by RSA Engineering and submitted with this winery use permit application.

For the domestic wastewater, a new septic tank is proposed. Existing tanks and leach fields on the property would be abandoned in accordance with NCEM standards. Domestic wastewater will gravity flow to the new septic tank, which will hold approximately three times the peak daily winery domestic wastewater flow. Wastewater from the commercial kitchen will first flow to a grease interceptor before flowing to the septic tank. Grease trap sizing calculations and a detailed description of the domestic wastewater system are to be found in the above noted report from RSA Engineering.

#### **Winery Marketing Plan**

The Winery Marketing Plan consists of the following.

<u>Private By-appointment Tours and Tastings</u>: Offered daily, up to 124 persons per day. Request the ability to serve light food with the wine tastings, to be prepared in the winery's commercial kitchen. Tours and tastings and retail sales will occur between the hours of 8:00 A.M. and 6:00 P.M. daily.

Meals Served with Wine: Average two per week and a maximum of 5 per week, with a maximum of 105 events per year. The maximum number of persons attending each of these events will be 24. On days when a food and wine meal is served, the tours and tastings will be no more than 100 persons, consistent with the Wastewater Treatment Feasibility Report. These meals may be served from the winery's commercial kitchen or via a caterer using the commercial kitchen as a staging/plating area.

Wine Club Events: Maximum of four per year with a maximum of 75 persons attending each event. These events may include hors d'ouvres or "small bites" food fare, or they may include a full-service meal. If full-service meal, caters will be used. As with the above meals with wine, on days of such events, the tours and tastings will not exceed a number within the 124 persons per day maximum.

Wine Release Events: Maximum of four per year, with a maximum of 75 persons in attendance at each event. These events are similar in scope to the Wine Club Events, but will be scheduled in association with key release dates for the wines. Food may be served in the form of hors d'ouvres or "small bite" selections, or there may be a full-service meal included. Lighter fare may be offered out of the winery's commercial kitchen. Full-service meals for these events, if attendees are in the larger numbers, will be provided by a licensed caterer, using the commercial kitchen as a staging/plating area. On days of these events, the tours and tastings numbers in combination with attendees at this event, will not exceed 124 persons and the tours/tastings will be adjusted accordingly.

Larger Auction-related Events: Maximum of two per year, with a maximum of 125 persons in attendance at each event. These events will include food service, which may be in the form of hors d'ouvres or "small bite" selections, or they could include a full-service meal. In either case, these larger events will have food service provided bi a licensed caterer. Portable facilities will be utilized at these events.

#### Dynamics of Winery Marketing Plan

Winery tours and marketing events will occur with the hours of 8:00 A.M. and 6:00 P.M. daily.

All evening marketing events will commence after 5:00 P.M. and will be concluded by 10:00 P.M.

Events not expressly provided for in this Winery Marketing Plan may be provided by via a Special Events Permit, per County standards and at least 90 days prior to the date of the event.

There will be no amplified outdoor music associated with marketing events.

For events of larger than 124 persons (total on-site within any 24-hour period), portable restroom facilities will be provided for use.

Food service associated with winery marketing events will be either provided by the winery commercial kitchen or, in the case of larger events, by licensed caterers. Food service provided by the winery will be prepared in an approved commercial kitchen facility. Catered events may utilize the commercial kitchen as a caterers' staging area.

Parking for larger (than 24) winery marketing events will be accommodated along winery access roads and/or vineyard roads. In some instances, valet parking may be used. If shuttle buses are used for the largest winery marketing events or a Special Events Permit occasion, the shuttles will operate from an approved nearby parking area.

#### Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information 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 his/her knowledge. Applicant and property owner 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.

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, indennify, 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 annual 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 indennification 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.

BART A KRUPP	,	. ,	••
PATRICIA A Frupp			
Print Name of Property Owner	1 /	Print Name Signature of Applicant (if different)	
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Signature of Property Owner	/ plate	Signature of Applicant	Dai±
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#### NAPA COUNTY

CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT 1195 Third Street, Suite 210, Napa, California, 94559 (707) 253-4417

## APPLICATION FOR USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS

	FOR O	FFICE USE ONLY		
ZONING DISTRICT:	AW		Date Submitted: DEC	19.2011
	TION: STRANGETRACK EXC	EDTION		
	Y DELUCIAL LOCATED WI			
REQUIRED 4	REAM SETBACKS, 85	5' DEGNOED	625 PROPER	6D1
المراسين ع	Pur Deller, Us	) Regulited	( ) Flores	
		(PLETED BY APPL print or type legib		
PROJECT NAME: _	Krupp Brothers Winery			
Assessor's Parcel #:	039-610-006	Exist	ing Parcel Size:	13.23 Ac
Site Address/Location	n: 3150 Silverado Trail	Napa	CA	94558
	No Street	City	State	Zip
	me: Bart and Patricia Krupp			
Mailing Address:	300 Upper Mountain Avenue No Street	Monteclair City	NJ 076	043 Zip
	526-4707 Fax #:			t.Krupp@aol.com
		. ( )	E-Mail. <u>Dal</u>	uspæsioneom
	Dr. Jan Krupp	NY	C.A.	0.45.50
Mailing Address:	3267 Soda Canyon Road No Street	<u>Napa</u> City	State	94558 Zip
Telephone #: (707)_2	226-2215 Fax	:#: ( )	E-mail: Jap	@KruppBrothers.com
Status of Applicant's	Interest in Property:			
Representative Name:	Donna B. Oldford, Plans	4Wine		
Mailing Address:		St. Helena	CA	94574
	No Street	City	State	Zıp
Telephone #: (707)	963-5832 Fax #	: ( )	E-mail: <u>DB</u>	Oldford@aol.com
I certify that all the information 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 Applicant				
TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT				
*Anniisation Fee Deno			eived hv	Date:

\*Total Fees will be based on actual time and materials.

#### (1) Please explain the reason for the exception request.

Exception Request to Napa County Conservation Regulations NAPA CO CONSERVATION CONSERVATION including The subject property is characterized by a number of natural constraints, including certain areas of steep slope; very broad creek setbacks within the context of the slope calculations in the Conservation Regulations; mature tree stands and existing vineyards; the location of existing structures intended for re-use as winery; and the 600-ft. setback from the Silverado Trail contained in the County's WDO. After much consideration of working within all the constraints posed by the property and the County's regulations, it was determined that a more positive approach in terms of potential impacts could be achieved with an exception to the stream setback.

#### Reasons for the request are:

To minimize overall disturbance to streams as currently posed by the existing conditions on-site and those implied with the original winery development plan.

To enhance the amount of existing graded agricultural road that can be restored to its previous natural state.

To eliminate the amount of excessive grading on the east side of the winery development envelope and that related to the southwest loop road on current plans.

To minimize potential visual impact associated with grading and retention walls on the east side of the winery, thus improving visual impacts to neighboring properties.

To create a more direct and effective means of emergency fire protection access.

To create a more effective ADA access for the entire winery and consolidate access.

To create a more effective layout for the winery program and a safer work environment for winery employees and visitors.

In working with County staff, our biology consultant, and our landscape architect, we believe that the exception request provides the opportunity for restoration of previously graded residential access and winery agricultural roads that are closer to the stream than the area identified for the exception request. The creek restoration plan that is integral to this applicant's overall landscape concept will be a very positive factor relative to the stream that bisects this property from north to south. Access for winery operations and visitation, fire safety, and ADA will be greatly improved upon with the exception request approval. The opportunity to effectively cluster winery structures with an existing structure as re-use will greatly enhance the environmental responsibility associated with the proposed project. See Greenhouse Emissions Checklist for overall results of re-use of structures and clustering.

# (2) Are there any alternatives to the project which would not require an exception? Please explain.

The original winery development proposal shows all winery structures within both the 600-ft, setback from Silverado Trail and just outside the setbacks associated with the creek. Upon inspection, the original plan does not allow for effective fire protection without an excessive amount of excavation (road on the east side of the structures) and the inclusion of a second segment of winery access road (southwest loop road) that is located closer to the creek and would result in the elimination of up to one acre of existing vineyards that the applicant wishes to use for estate-bottled wines.

In addition to impaired winery program operations, the original plan does not provide an effective ADA access to all winery structures, whereas the winery access road on the front (western) side of the structures would provide very good access. This is true for winery operations, emergency fire access, and ADA access.

The exception request will reduce the amount of grading necessary at the top of the knoll, and it will greatly reduce the visual impact associated with retaining walls necessary for that segment of road. It will also retain up to an acre of existing vineyards on the site.

#### Section 18.108.040.A. Structural/road development projects

a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

The applicant is observing the 600-ft. setback from Silverado Trail and wishes to minimize the amount of impervious surface on the site as a whole. Clustering of winery structures in context with re-use of the existing residential structure assists with this. However, there are challenges with creating effective access to the structures at the top of the knoll, which also happens to be the eastern property line. Approval of the exception request will assist in minimizing the amount of impervious surface necessary on-site. Road on west side of winery structures will allow loop road to be eliminated, thus reducing overall impervious surfaces and preserving existing vineyard. It will also contribute to the very positive impact that restoration of previously graded roads and a creek restoration landscape plan will have on the property and on the creek.

- b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
- i. Multiple-floor levels which follow existing, natural slopes;
- ii. Foundation types such as poles, piles, or stepping level which minimize cutand-fill and the need for retaining walls;
- iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

Re-use of the large existing residence as part of the winery reduces the necessity of creating new structures on-site. Clustering of other winery structures and improvement areas will minimize the necessity for excessive grading and other kinds of site disturbance, if the exception is approved to create effective access to those structures and improvement areas.

The existing residence is a one-story structure which minimizes visual impact at the top of the knoll. The proposed winery structure will be partially underground as indicated in the enclosed elevation for the building. Approval of the exception request will allow this building to assume a lower-level visual impact, yet be adequately served with access. Elimination of the road behind (east of) the winery structures will greatly reduce the need for excessive earthwork and grading, as well as the requirement for extensive retaining walls.

The revised alternative will enhance views of the property from the vantage point of the Silverado Trail. Elimination of the loop road will allow the retention of existing vineyards, without the visual interruption of a new road in this location. It should be noted that this loop road is located closer to the stream than the area identified in the request for an exception to the *Conservation Regulations*.

c. The development project minimizes removal of existing vegetation, incorporates existing vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

The alternative development plan associated with the exception request will result in the retention of most vegetation and mature trees on-site. The winery access road will meet County road standards and cross the creek safely via the utilization of railroad car bridge spans as indicated. This road and crossing is in an area where there will be minimal disturbance to existing vegetation and vineyards, whereas the loop road disturbs a larger amount of area that is closer to the creek than the identified exception request area.

The performance program associated with this plan and the exception request is a significant one relative to the health of the creek. First, the existing graded roads put in by the previous owner will be largely returned to natural state. This area is one located much closer to the creek than the area identified for the exception request. Second, an enhanced creek restoration plan that is integral to our landscape concept will result in important and significant positive impacts for this creek. The plan will include a level of detail related to not only the restoration plan landscaping, but replacement vegetation of appropriate size, quality and quantity will be include. These plans will be directed by feedback from the biologists' overall site evaluation and consideration of the initial winery development plan versus the alternative associated with the exception request.

Another environmental performance element is the applicant's provision of a left-turn land on Silverado Trail at the winery entry, which will improve safety greatly on Silverado Trail, at no cost to County taxpayers.

The biology report finds that there is a net positive effect with the exception request alternative that represents an improvement over the potential impacts associated with the plan as it is currently drawn, without benefit of the exception request approval. Please see biology report prepared by Dr. Chris Kjeldsen which concludes that the proposal for this project for the exception plan, in tandem with the restoration of the creek setback, results in a net positive impact to the ecological vitality of the overall property.

## 4. Adequate fire safety measures have been incorporated into the design of the proposed development.

Emergency fire access will be improved considerably with the alternative concept, with clear access to all winery structures without the need to drive behind those structures. The winery access road from Silverado Trail up to the winery has been designed wide enough, with shoulders widened specifically to accommodate excess winery parking, so that vehicular movements in both directions will not be impaired. The winery design team has reviewed the alternative plans with CDF Fire Chief Pete Munoa, who concurs that the alternative routing represents a more effective means of emergency fire access.

## 5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

The proposed encroachment into the creek setback is a total of approximately 8,917 square feet; this is 47 feet within the stream setback, for a length of about 50 feet. The encroachment area and the proposal for the exception is illustrated in the enclosed revised site plans. The encroachment area is of sufficient distance from the creek, due to the method of calculating setback via the 35-ft. minimum distance plus an allowance for slope differential, that mitigation measures to minimize potential sedimentation into the creek should be very effective. The effectiveness of these measures, including a wall between the winery access road and the creek, has been part of the evaluation of Dr. Chris Kjeldsen, the biologist.

Along with minimization of sedimentation represented by the wall, the existing roads closer to the creek will be returned to their natural state. The creek restoration plans will provide significant mitigation measures aimed at the health of the creek. Taken in a cumulative context, these performance standards more than offset any potential impact that a road within the creek setback would represent, as evidence in the biologists' report.

# 6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the County's environmental sensitivity maps.

The biologists' report, which evaluates the Conservation Regulations exception very specifically, serves as evidence in support of the "environmentally superior" alternative. No endangered or threatened biological species are indicated in the County Geographic Information Systems (GIS) data base. Mitigation measures are not indicated when there

is a finding of "no significant impact." However, the overall benefits of returning portions of this site to a natural state and incorporating a comprehensive creek restoration plan represent a significant performance standard relative to natural features on-site.

# Section 18.108.040.B Agricultural projects, or agricultural roads as defined by Napa County Department of Public Works:

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climactic conditions in which the project is located.

The exception request does not apply to an agricultural road. Rather, it applies exclusively to a relatively small section of the winery access road near the winery structures.

## 8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

As stated above, the exception request does not pertain to an agricultural road. But the applicant does proposed to eliminate some of the agricultural roads that were graded by the previous owner, returning those areas to their previous natural state. The exception to this would be certain areas that are needed for turning agricultural equipment such as tractors. The more effective winery access road in proximity to the structures will allow the elimination of the loop road, which is closer by far to the creek.

# 9. The project does not adversely impact sensitive, rare, threatened, or endangered plant or animal babitats as designated by state or federal agencies with jurisdiction and identified on the County's environmental sensitivity maps.

As stated above, the exception request does not pertain to an agricultural road. But the creek restoration landscape plan proposed by the applicant, which is assisted by the reduction of impervious surfaces associated with roads, represents an improvement and a positive impact to the biological habitat of the creek area.

In addition, elimination of the need for excessive grading for roads and retaining walls will result in less potential impact that might be associated with cultural resources. A recent archaeological reconnaissance report prepared by Tom Origer & Associates found no indication of archaeological resources on this particular property. Recent letters received from two Native American tribal leaders indicate the interest in one of those tribes in potential cultural resources because the area falls within their historic tribal territories. (See enclosed letters received subsequent to the Origer report.)

#### **SUMMARY**

In summary, the proposed 38.5-ft. encroachment into the stream setback, for a linear area of some 50 feet in proximity to winery structures, represents an alternative that is "environmentally superior" to the original concept plans. According to the biologists' report, there is no potentially significant impact to the stream associated with this proposal for an exception to the stream setback. In fact, the opportunity to minimize disturbance to the site and to minimize excess grading in combination with the performance standards of returning existing roads to natural status and the comprehensive creek restoration landscaping represent a much improved environmental condition compared to the existing conditions on-site.

The alternative will also allow this applicant to provide much more effective emergency fire access and ADA access for the winery, in addition to representing a far more effective winery operations program.

Finally, the performance standards represented both in the project Greenhouse Emissions Checklist, the creek landscape restoration project, returning existing graded roads to natural state, and the provision of a left-turn lane (for safety) on the Silverado Trail represent a cumulative condition that is a net positive environmental condition on this property and its environs.

See supporting materials, including exhibits illustrating the extent of proposed encroachment; the landscape concept with creek restoration plans therein; and the biologists' field reconnaissance report on the subject property.

#### KJELDSEN BIOLOGICAL CONSULTING

Chris K. Kjeldsen Ph.D., Botany
Daniel T. Kjeldsen B.S., Natural Resource Management
923 St. Helena Ave.
Santa Rosa, CA. 95404

March 1, 2012

To: Donna Oldford

Plans 4 Wine 2620 Pinot Way

Saint Helena, CA 94574-2320

Re: Exemption Request - Encroachment Into Stream Setback-Napa County

Krupp Brothers Winery 1350 Silverado Trail Napa County

#### BACKGROUND

The property is located northeast of the city of Napa, at 1350 Silverado Trail. The property consists of a residence, vineyard and an un-named tributary to the Napa River. The property is presently a mature producing vineyard.

The project is proposing an encroachment into the stream setback of Hardman Creek, and a exemption for stream setback as per Napa County Regulations based on the exceptions allowed in Section 18.108.040 and the mitigation measures proposed for stream bank vegetation enhancement and restoration. A revegetation planting plan for the creek setback zone has been prepared by CBH Design. The Planting Plan consists of native riparian zone species that will function to stabilize the banks, provide vegetation layering, provide wildlife habitat, aquatic habitat and protect water quality. The proposed restoration plantings will result in a net riparian and aquatic benefit on the property as well as off site.

The project (within the Stream Setback) proposes the widening and relocation of bridge footings for a clear span bridge and grading for an access road. The project will include a storm water collection system for the existing hardscape and the new access road. The storm water system will collect storm water from the hardscape and release it into a bioswale.

The proposed access road and bridge widening and relocation are within a portion of the standard Napa County stream setback zone of from the top of the bank of Hardman Creek which is tributary of the Napa River. The east bank of the creek contains an existing residence, gravel parking lot, and a gravel road. The project will include changing the alignment and grade of the existing gravel access road that extends to the south that presently exists within the stream setback.

#### PURPOSE

This report is provided as background biological information for the encroachment request from Napa County Stream Setback Ordinance. Accompanying this request is a Biological Resource Report that covers this phase of the project as well as all other biological elements.

#### 18.108.040 - Exceptions.

Upon application by the landowner or leaseholder of a site, an exception in the form of a use permit may be granted to any of the requirements of this chapter other than Section 18.108.060(B) if, after a public hearing, findings can be made that:

- A. For structural/road development projects, all of the following are true:
- 1. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;
- 2. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
  - a. Multiple-floor levels which follow existing, natural slopes,
  - b. Foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls,
  - c. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it;
- 3. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;
- 4. Adequate fire safety measures have been incorporated into the design of the proposed development;
- 5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025
- The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps;
- 7. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.

#### EXISTING SITE CONDITIONS

The existing site conditions along the stream setback consist of a channelized seasonal drainage with mature overstory of Valley Oaks along sections of the banks. Understory vegetation along the drainage has been cleared exposing bare substrate by previous owners. Bare soil is exposed along both sides of the creek channel as shown in the photographs below. There is an existing residence gravel access road along the west side of the drainage which will be abandoned and a new entrance road constructed through the vineyard. It is noted that the existing entrance road is within the stream setback and removal will result in a net benefit. A portion of the entrance road will continue to be used as vineyard turn around, and portions will be re-vegetated. The east bank Hardman Creek contains an existing residence, gravel parking lot, and a gravel road.

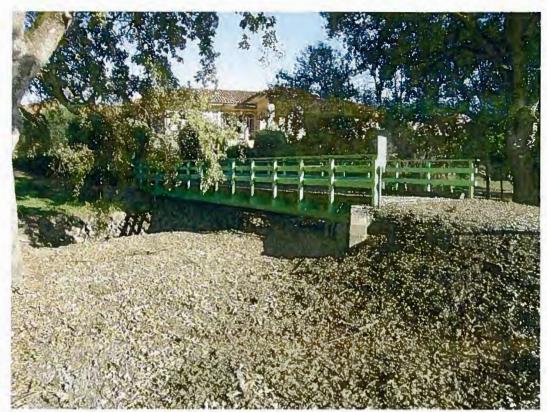


Photo 1. Existing Bridge on property. The project proposes revegetating and expanding the bridge with the construction new footings to accommodate the wider bridge.



Photo 2. Typical view of vegetation along drainage. Note lack of understory. Tank to be removed.



Photo 3. Area of project impact within stream setback zone. The new access road is proposed to extend up-slope through this area which is within the stream setback.



Photo 4. The new access road will extend upslope replacing the existing road. The new road with appropriate grade and width will extend from the bridge in the background.



Photo 5. Area potential for restoration along the west bank. Existing access road adjacent to the vineyard will be abandoned. Portions will continue to be used as vineyard turnaround.



Photo 6. Area recommended for restoration plantings along the east bank.



Photo 7. Location of storm-water retention, bio swale.

#### **FINDINGS**

The proposed project is within a disturbed ruderal area of the stream setback zone that has been cleared of understory vegetation and routinely maintained and as shown in Photos # 1, 2, 3, and 4. The native vegetation consists of valley oaks and occasional ash along the top of bank along the creek.

The present conditions as illustrated in the photographs above are typical for streams that have been impacted by past land use. It is noted that there is limited age classes of trees and absence of the typical understory and herbaceous layer of similar streams in the area. The absence of understory vegetation also limits the biological function of the stream by altering the temperature regime and lack of cover and habitat for wildlife.

Stream setbacks or buffer zones have multiple functions and are a standard for protecting and preserving the aquatic resources of a region. Revegetation and plantings within the setback will allow for bank stabilization as well as providing habitat and improve its function as a corridor for aquatic and terrestrial organisms.

Encroachment into the stream setback does not have the potential to impact habitat for special-status species. The historic use of the site and present conditions are such that there is no reason to expect presence of special-status species within the footprint of the project.

With suggested mitigation measures there is no reason to expect significant negative impacts on site or off site to special-status species.

The site selection has been dictated by the existing bridge location which will result in the least disturbance of the landscape (grading) and habitat (tree removal). A retaining wall along the creek site of the proposed access road will be constructed thus retaining the landform of creek bank and minimizing the impact to the setback zone.

The existing vegetation adjacent to the project footprint will be protected and preserved. Revegetation of sections of the drainage with native vegetation is recommended and will mitigate for any adverse impacts of the project. It is anticipated that the revegetation that is part of the project will result in a net long-term benefit to the site and aquatic resources on site and off site.

The proposed project does not propose any impacts to the streambed and or banks on the property. The bridge design is a clear span and will not impact the bed and or bank of Hardman Creek.

Impacts to the stream setback zone consist of grading of a new access road. There is an existing gravel road in this location. The site selection and existing conditions are such that any impacts will be less than significant and it can be anticipated that with the revegetation plan there will be a net enhancement to the riparian corridor on the property.

The project will not remove any trees > that 6in. If trees or vegetation are removed during construction then it is recommended that replacement of appropriate size, quality and quantity be implemented to reduce the impacts to the buffer zone to a less than significant level.

The disturbance to the watercourse will be minimized, and setbacks shall be retained and enhanced with native planting. An erosion control plan, and NPDES storm water management plan, has been prepared for the project.

Bank restoration will more than compensate for any impacts of the project and justify the request for encroachment into the stream bank setback zone.

#### RECOMMENDATIONS

- (1) Best Management Practices including silt and erosion control measures, retaining ground cover litter, monitoring for invasive species, providing mulch for bare ground must be implemented to protect off-site movement of sediment and dust during and post construction.
- (2) Construction fencing and signage must be installed along the Napa County stream setback zone and along the edge of the project components that encroach into the Napa County stream setback to ensure that no construction equipment, fill or any material, staging or storage occur in the area.
- (3) All trees must be protected along their root zone from compaction and excavation within the setback zone.
- (4) A California Department of Fish and Game 1600 permit must be filed prior to the construction of the proposed clear span bridge.

(5) The revegetation plan along the stream setback should include only native plants appropriate for Napa County and riparian areas.

### **SUMMARY**

The proposed project with restoration plantings will result in a net riparian benefit, increase bank stabilization, enhance the local habitat for terrestrial and aquatic organisms and mitigate for the stream setback encroachment.

The proposed project will not increase water temperature or water quality. The present conditions on the site indicate a high potential for soil erosion. Natural erosion protection is a function of vegetation root structure along creek banks. Revegetation of the banks and layering of vegetation will create over time a functional riparian corridor and reduce potential soil erosion. It is anticipated that there will be a net improvement of on-site and off-site aquatic and terrestrial resources.

Activities associated with the proposed project within the Stream Setback will not create a significant negative environmental impact to Hardman Creek, provided that an appropriate revegetation plan is implemented and storm water from the proposed project hardscape with and outside of the stream setback is captured and diverted into a bioswale reducing the potential for sediment form entering into Hardman creek.

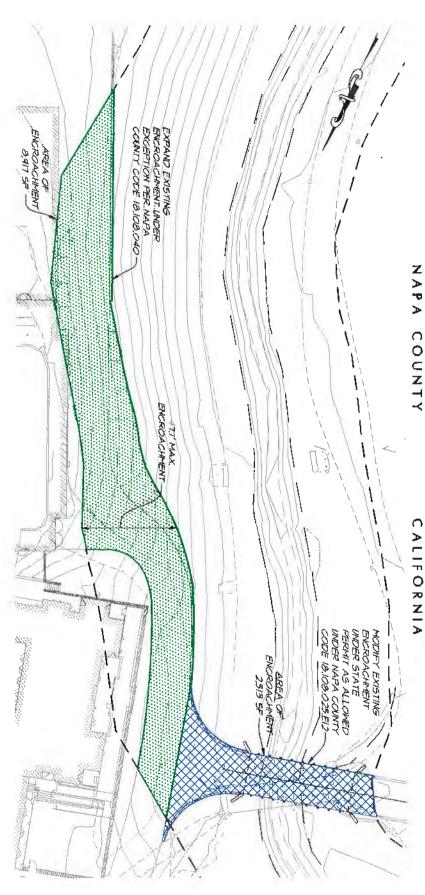
Should you have any questions, please do not hesitate to contact us at: Telephone (707) 544-3091, Email <u>kieldsen@sonic.net</u>, or Fax (707) 575-8030.

Sincerely,

Kjeldsen Biological Consulting

Plate I. Creek Encroachment Exhibit

# CREEK ENCROACHMENT EXHIBIT

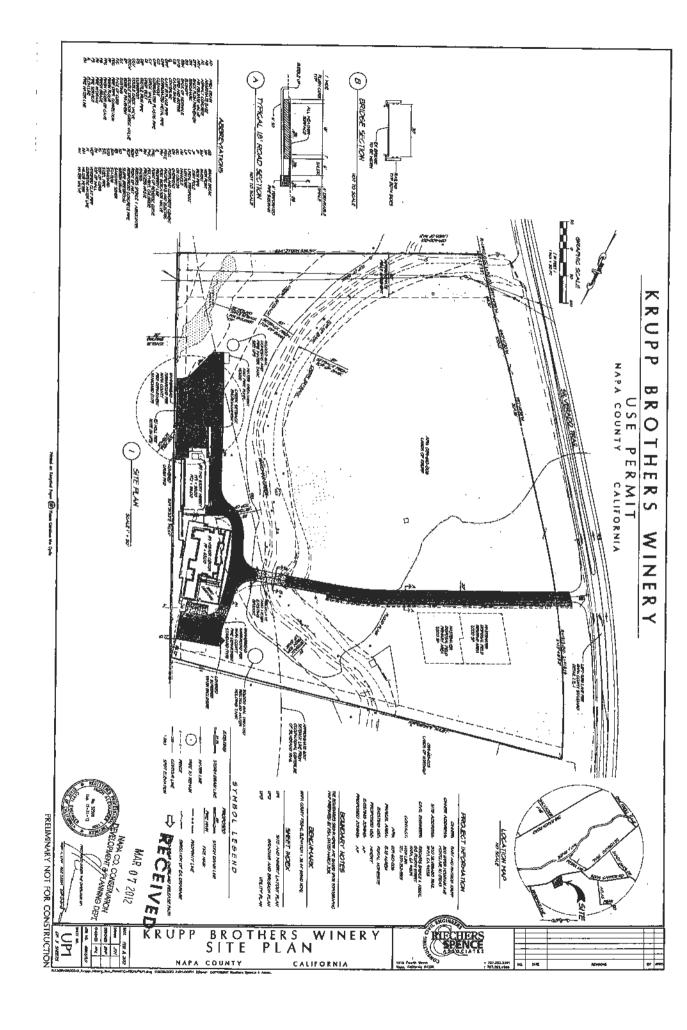


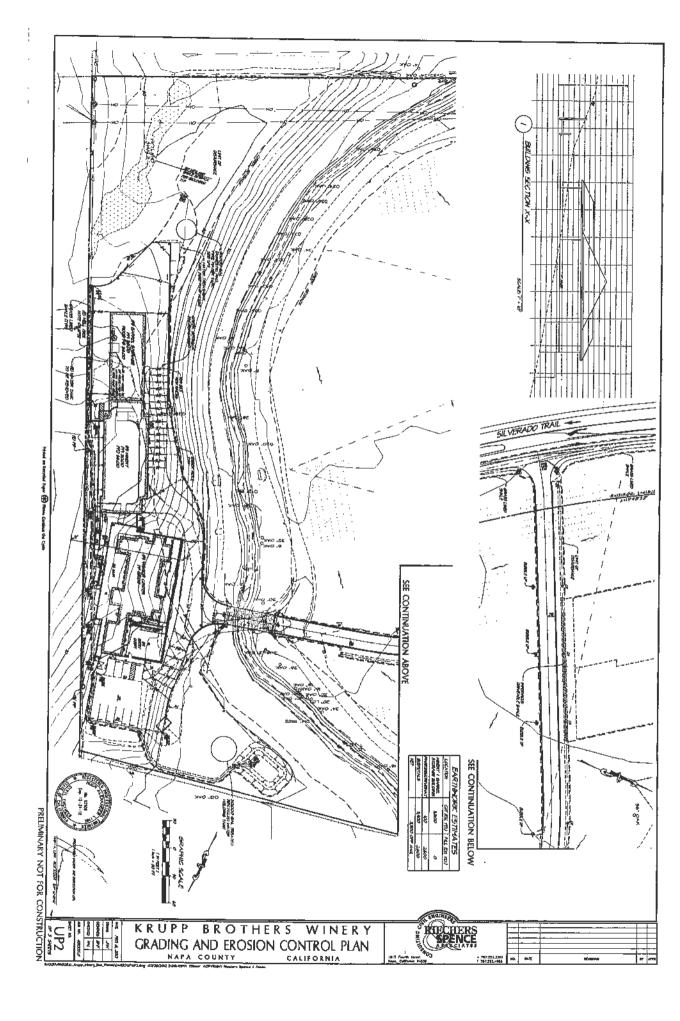


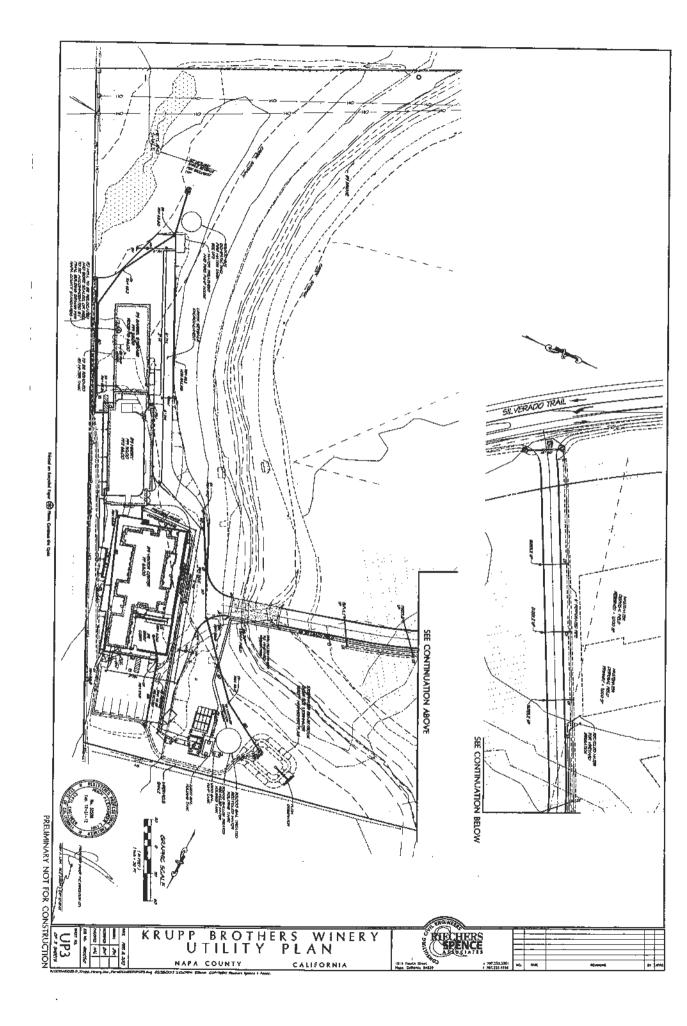
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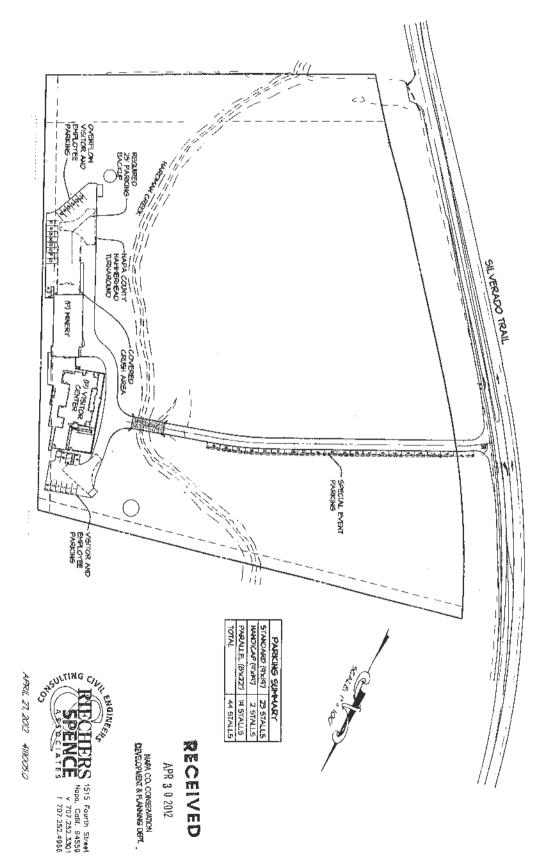




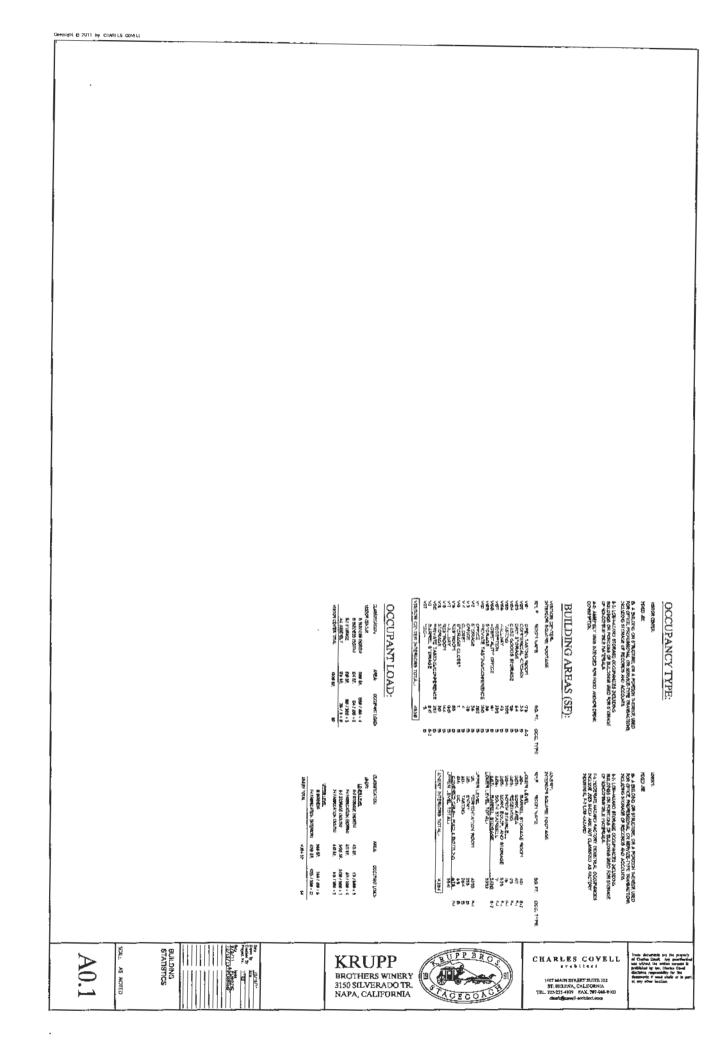


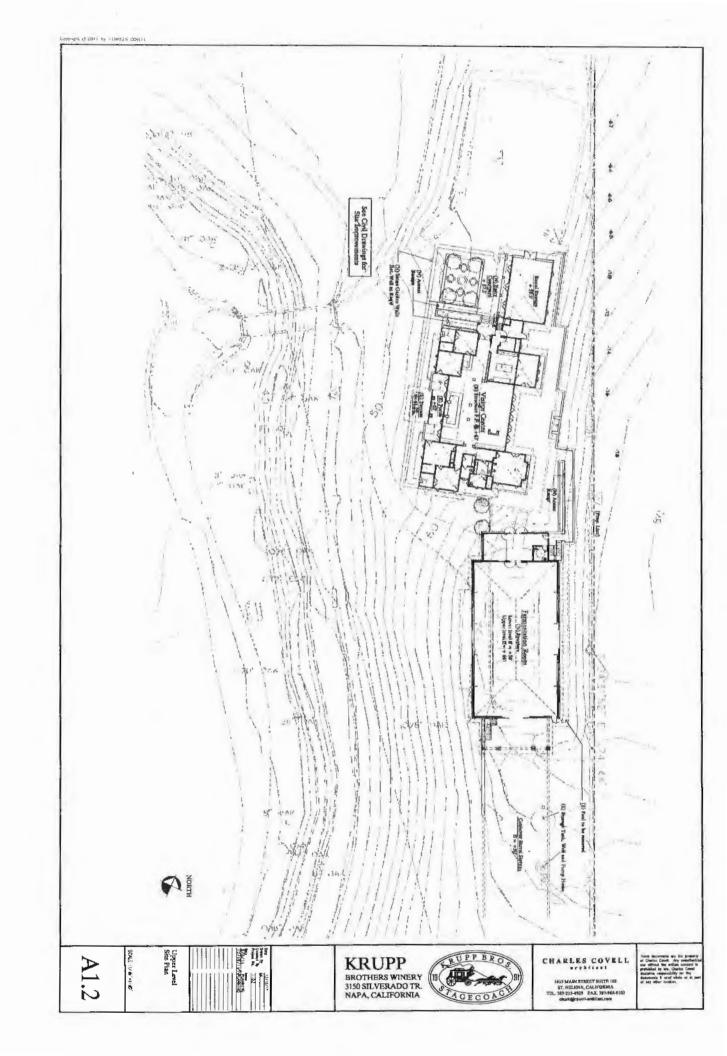


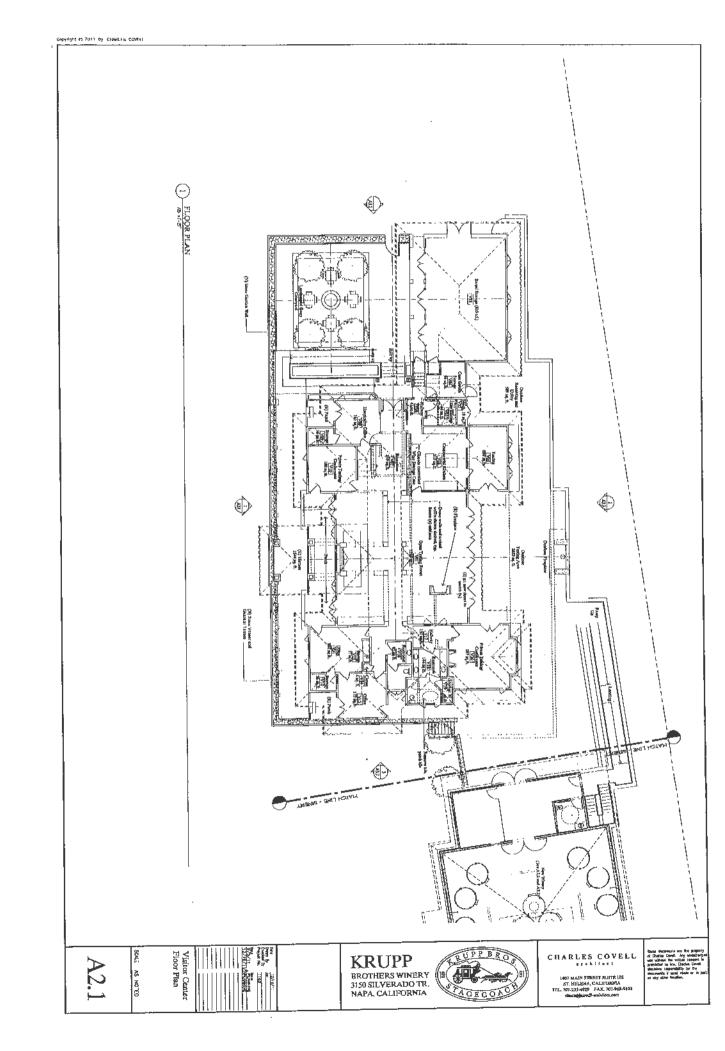
# KRUPP WINERY PARKING EXHIBIT NAPA COUNTY CALIFORNIA

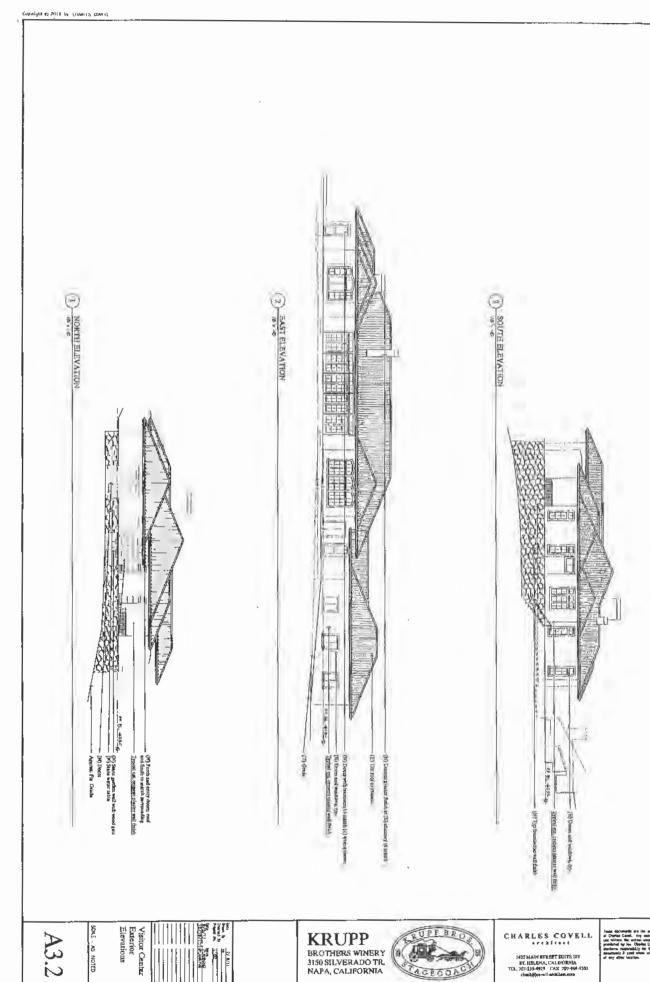


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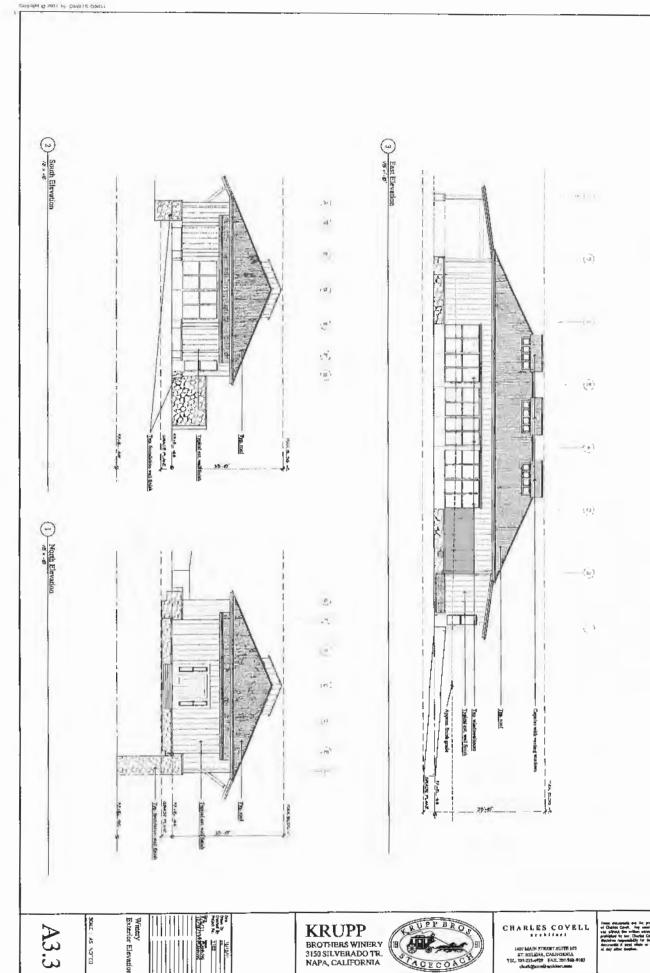












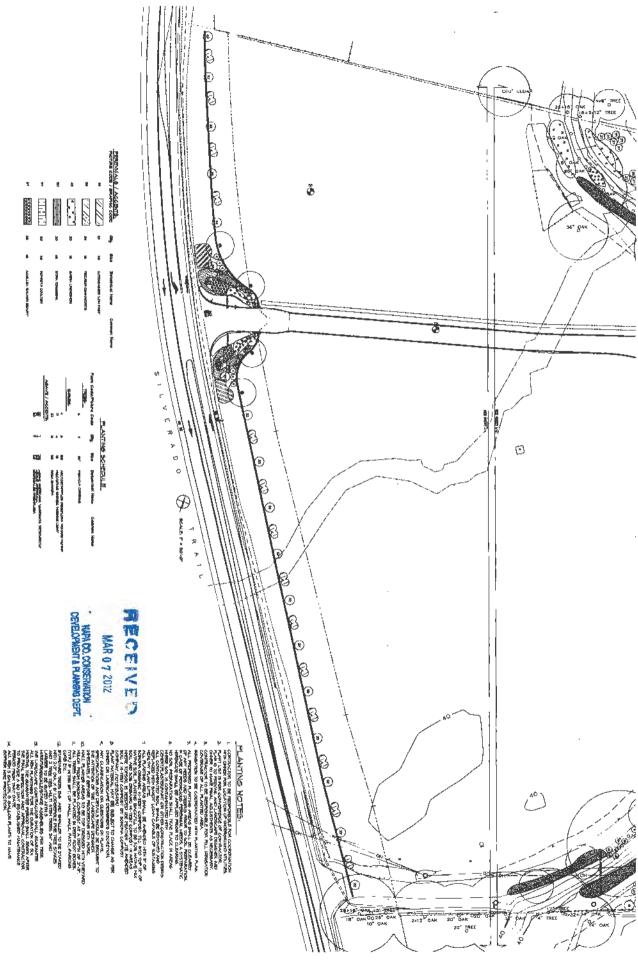
Winery Exterior Elevations

BROTHERS WINERY 3150 SILVERADO TR. NAPA, CALIFORNIA



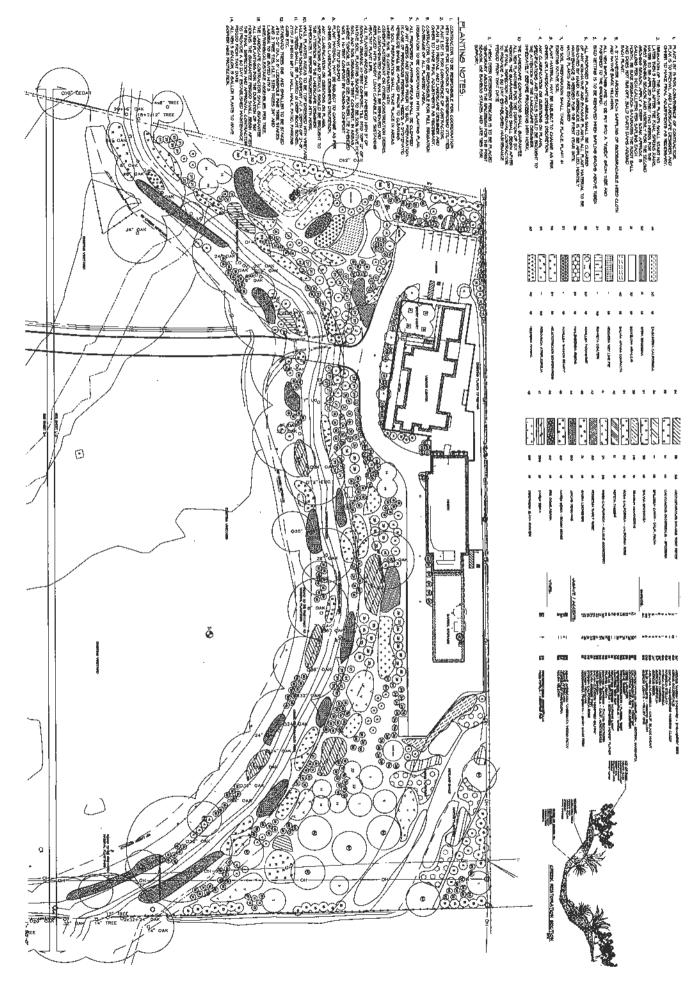
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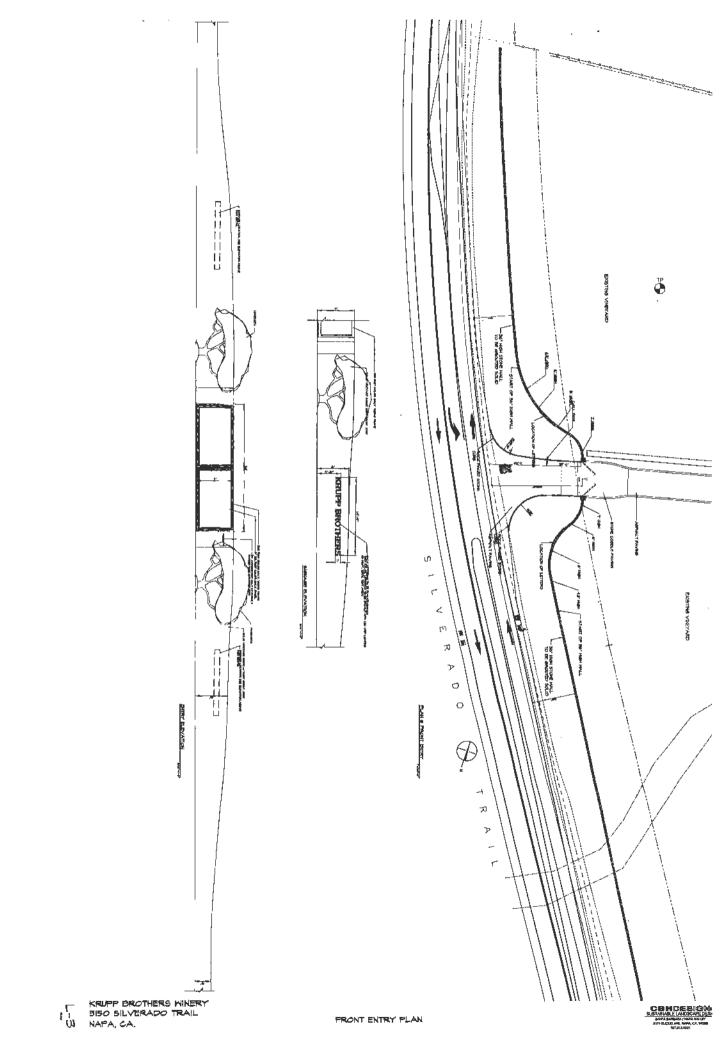
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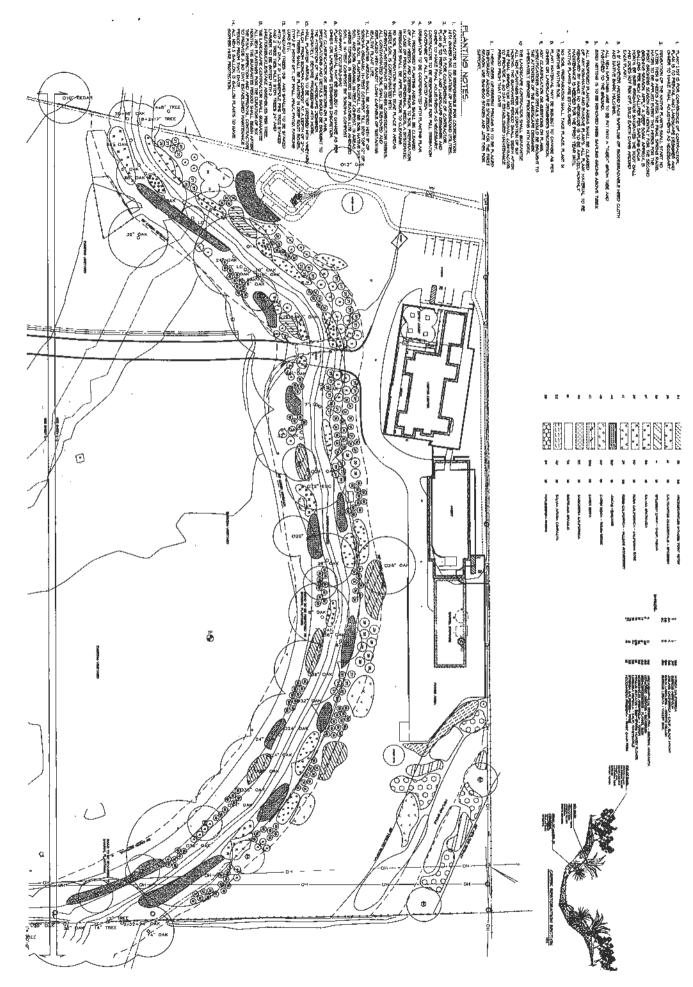
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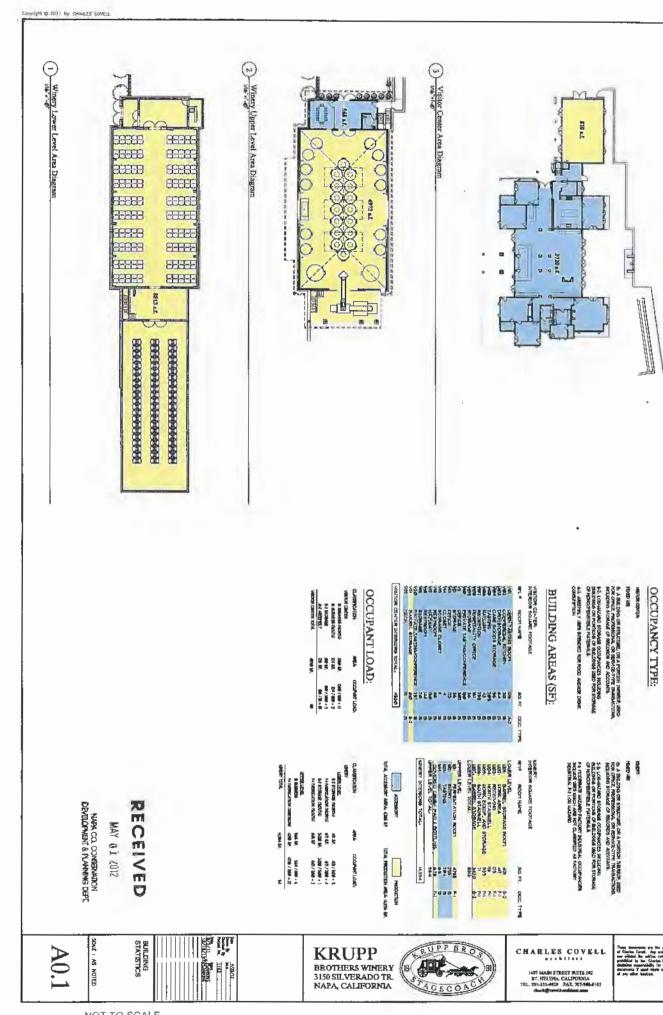














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