



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 5/19/2020  
Agenda Placement: 9F  
Set Time: 10:05 AM PUBLIC HEARING  
Estimated Report Time: 5 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Donald Barrella, Planner III - 707-299-1338  
**SUBJECT:** Anthem Winery Appeal Hearing

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### **RECOMMENDATION**

Consideration and possible direction regarding appeals filed by Patricia Damery, c/o Kathy Felch (Appellant) and George and Jeff Atlas and Paul Rowe, c/o Kevin Block (Appellant) to a decision by the Planning Commission on February 5, 2020, to approve (5– AYES: Gallagher, Whitmer, Hansen, Mazotti, Cottrell) an application submitted by Anthem Winery and Vineyards, LLC (Applicant) for approval of a Use Permit Major Modification (P14-00320-MOD) for an existing 30,000 gallon winery permit to allow the following: (a) the construction of a new 10,388 sq. ft. Winery Facility that includes a 1,508 sq. ft. Tasting Room, a 1,724 sq. ft. Office, Catering and Conference Room, and approximately 4,600 sq. ft. of outdoor marketing areas; (b) the development of 29,053 sq. ft. of caves including the on-site placement and storage of spoils; (c) an increase in on-site parking from 2 spaces to 22 spaces; (d) the development of winery support facilities (water tanks, septic system, and rainwater harvesting and winery process water recycling and reuse systems); (e) an increase in the number of employees from 1 part-time employee to 7 full-time and 5 part-time employees; (f) a change in the in the winery's hours of operation from 9:00 AM to 5:00 PM Monday through Sunday to 8:00 AM to 8:00 PM Monday through Sunday (production hours) and 10:00 AM to 6:00 PM Monday through Sunday (visitation hours), and marketing events 11:00 AM to 10:00 PM Monday through Sunday; (g) a marketing plan that includes daily tours and tastings by appointment with a maximum of 170 visitors per week during the Summer/Fall Season (April 1 through November 15) and a maximum of 120 visitors per week during the Winter/Spring Season (November 16 through March 31), and 23 annual marketing events [20 30-person events, 2 50-person events, and 1 100-person event] resulting in a maximum of 7,623 annual visitors, and on-site consumption of wine produced on-site; and (h) the reconfiguration of an existing access driveway including the construction of a clear span bridge and approximately 650 feet of new driveway to provide adequate access to the winery. The project also includes an Exception to the Napa County Road and Street Standards for reduced commercial driveway widths and for road grades exceeding 18%, a Variance to allow construction of the proposed winery a minimum of 65 feet from the applicant's own private access drive where a minimum 300-foot setback is required, a Viewshed request; and, an Agricultural Erosion Control Plan for the installation and maintenance of approximately 1.19 acres of new vineyard. The project would be completed in three phases: Phase I includes construction of the driveway, parking, septic system, production structures (Fermentation Buildings and Bottling Room), outdoor tasting area, and the cave water storage tanks; Phase II includes construction of the remainder of

the caves; and Phase III includes construction of the tasting room and the office/catering/conference room building. The project is located on an approximate 44.8 acre holding within the Agricultural Watershed (AW) zoning district that consists of two parcels: i) the "Winery Parcel" (3454 Redwood Road, APN 035-470-046) an approximate 27.23 acre parcel located on the east side of Redwood Road approximately 1.5 miles north of its intersection with Browns Valley Road; and ii) the "Access Parcel" (3123 Dry Creek Road, APN 035-460-038) an approximate 17.54 acre parcel located on the west side of Dry Creek Road approximately 1.7 miles north of its intersection with Redwood Road (or approximately 0.4 miles north of its intersection with Linda Vista Avenue). Access to the winery is proposed from Dry Creek Road. **(APPLICANT, APPELLANT AND STAFF REQUEST A CONTINUANCE TO SEPTEMBER 1, 2020 AT 9:25 A.M.)**

**ENVIRONMENTAL DETERMINATION:** Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures (or MM's). MM's are proposed for the following area(s) Biological Resources, Geology and Soils, and Noise. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

### **EXECUTIVE SUMMARY**

The matter before the Board involves two appeals filed by 1) Patricia Damery c/o Kathy Felch, and 2) George and Jeff Atlas and Paul Rowe c/o Kevin Block, to a decision by the Planning Commission on February 5, 2020, to approve (5- AYES: Gallagher, Whitmer, Hansen, Mazotti, Cottrell) an application submitted by Julie Arbuckle/Anthem Winery (Applicant) for a use permit modification (P14-00320-MOD), variance (P14-00321-VAR), viewshed, and exception to the Napa County Road and Street Standards, and Agricultural Erosion Control Plan (#P14-00322-ECPA).

Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88), a public hearing on the appeal must be scheduled not less than fifteen days nor more than ninety calendar days from submittal of an appeal. To accommodate Appellant's and Staff's schedules, it is requested that the appeal be heard on September 1, 2020. In order to satisfy the ninety day scheduling deadline in the appeals ordinance, Staff requests that the Chair introduce the item, open the public hearing, and request a motion for continuance to September 1, 2020 at 9:25 a.m. Staff presentation and public testimony will not occur at the May 19, 2020 meeting. Applicant, Appellants and Staff support the continuance.

### **PROCEDURAL REQUIREMENTS**

1. Chair introduces item and opens the public hearing.
2. Motion by a Board member and second by another Board member to continue the item to September 1, 2020 at 9:25 a.m.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed: Effective and Open Government

### **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures (or MM's). MM's are proposed for the following area(s) Biological Resources, Geology and Soils, and Noise. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

## **BACKGROUND AND DISCUSSION**

The matter before the Board involves two neighborhood appeals filed by Patricia Damery, c/o Kathy Felch (Appellant) and George and Jeff Atlas and Paul Rowe, c/o Kevin Block (Appellant) to a decision by the Planning Commission on February 5, 2020, to approve (5– AYES: Gallagher, Whitmer, Hansen, Mazotti, Cottrell) an application submitted by Anthem Winery and Vineyards, LLC (Applicant) for approval of a Use Permit Major Modification (P14-00320-MOD) for an existing winery permit to allow the following: (a) the construction of a new 10,388 sq. ft. Winery Facility that includes a 1,508 sq. ft. Tasting Room, a 1,724 sq. ft. Office, Catering and Conference Room, and approximately 4,600 sq. ft. of outdoor marketing areas; (b) the development of 29,053 sq. ft. of caves including the on-site placement and storage of spoils; (c) an increase in on-site parking from 2 spaces to 22 spaces; (d) the development of winery support facilities (water tanks, septic system, and rainwater harvesting and winery process water recycling and reuse systems); (e) an increase in the number of employees from 1 part-time employee to 7 full-time and 5 part-time employees; (f) a change in the in the winery's hours of operation from 9:00 AM to 5:00 PM Monday through Sunday to 8:00 AM to 8:00 PM Monday through Sunday (production hours) and 10:00 AM to 6:00 PM Monday through Sunday (visitation hours), and marketing events 11:00 AM to 10:00 PM Monday through Sunday; (g) a marketing plan that includes daily tours and tastings by appointment with a maximum of 170 visitors per week during the Summer/Fall Season (April 1 through November 15) and a maximum of 120 visitors per week during the Winter/Spring Season (November 16 through March 31), and 23 annual marketing events [20 30-person events, 2 50-person events, and 1 100-person event] resulting in a maximum of 7,623 annual visitors, and on-site consumption of wine produced on-site; and (h) the reconfiguration of an existing access driveway including the construction of a clear span bridge and approximately 650 feet of new driveway to provide adequate access to the winery. The project also includes an Exception to the Napa County Road and Street Standards for reduced commercial driveway widths and for road grades exceeding 18%, a Variance to allow construction of the proposed winery a minimum of 65 feet from the applicant's own private access drive where a minimum 300-foot setback is required, a Viewshed request; and, an Agricultural Erosion Control Plan for the installation and maintenance of approximately 1.19 acres of new vineyard. The project would be completed in three phases: Phase I includes construction of the driveway, parking, septic system, production structures (Fermentation Buildings and Bottling Room), outdoor tasting area, and the cave water storage tanks; Phase II includes construction of the remainder of the caves; and Phase III includes construction of the tasting room and the office/catering/conference room building.

The project is located on an approximate 44.8 acre holding within the Agricultural Watershed (AW) zoning district that consists of two parcels: i) the "Winery Parcel" (3454 Redwood Road, APN 035-470-046) an approximate 27.23 acre parcel located on the east side of Redwood Road approximately 1.5 miles north of its intersection with Browns Valley Road; and ii) the "Access Parcel" (3123 Dry Creek Road, APN 035-460-038) an approximate 17.54 acre parcel located on the west side of Dry Creek Road approximately 1.7 miles north of its intersection with Redwood Road (or approximately 0.4 miles north of its intersection with Linda Vista Avenue). Access to the winery is proposed from Dry Creek Road.

On February 20, 2020, two timely Notices of Intent to Appeal were filed by 1) George and Jeff Atlas and Paul Rowe and 2) Patricia Damery, and on March 4, 2020 and March 5, 2020, two timely appeal packets were filed by 1) George and Jeff Atlas and Paul Rowe and 2) Patricia Damery, to a decision by the Planning Commission to approve Use Permit Major Modification P14-00320-MOD. Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88), a public hearing on the appeal must be scheduled not less than fifteen days nor more

than ninety calendar days from submittal of an appeal. In order to satisfy the ninety day scheduling deadline in the appeals ordinance, Staff requests that the Chair introduce the item, open the public hearing and request a motion for continuance to September 1, 2020 at 9:25 a.m. Staff presentation and public testimony will not occur at the May 19, 2020 hearing. Applicant, Appellant and Staff support the continuance.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi