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Agenda Date: 10/15/2014

Agenda Placement: 9C

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Wyntriss Balcher, Planner II - 707 299-1351  
**SUBJECT:** Relic Winery Minor Modification

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### **RECOMMENDATION**

#### **RELIC WINES – RELIC WINES/MIKE HIRBY & SCHATZI THROCKMORTON/USE PERMIT MINOR MODIFICATION #P14-00203**

**CEQA Status:** Consideration and possible adoption of a Categorical Exemption pursuant to pursuant to Section 15311 Class 11(b), Accessory Structures, Small Parking Lots, and pursuant to 15301, Appendix B, Class 1(3) (Minor modifications of existing use permits in conformance with Section 18.124.130 of the Napa County Code) of the Napa County's Local Procedures for implementing the California Environmental Quality Act. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Minor Modification of Use Permits #P10-00162-UP and #P14-00093-VMM and to allow for the relocation of the approved six parking spaces for the winery to a location directly adjacent to and westerly of the approved proposed crush pad. No other changes are being requested: no change in annual production; no change in hours of operation; no change in visitation; and no change in the marketing program. The project is located on a 10.30 acre parcel with access off a private driveway on the east side of Soda Canyon Road approximately four miles north of its intersection with Silverado Trail within the AW (Agricultural Watershed) zoning district; Assessor's Parcel Number: 032-090-024; 2400 Soda Canyon Road, Napa CA 94558.

**Staff Recommendation:** Find the project Categorical Exempt and approve the Use Permit Minor Modification as conditioned.

**Staff Contact:** Wyntriss Balcher; (707) 299-1351; [wyntriss.balcher@countyofnapa.org](mailto:wyntriss.balcher@countyofnapa.org)

**Applicant Contact:** Jon Webb; (707) 963-1217; [jwebb@albionsurveys.com](mailto:jwebb@albionsurveys.com)

### **EXECUTIVE SUMMARY**

**Proposed Actions:**

That the Planning Commission:

1. Find the project Categorical Exempt, as set forth in Findings of Exhibit A;
2. Approve the Minor Modification Use Permit (P14-00203) based on Findings 2-6 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

**Discussion:**

The applicant filed a request for a Minor Modification of Use Permits P10-00162 UP and Very Minor Modification Use Permit #P14-0093, to allow for the relocation of the approved six parking spaces for the winery to a location directly adjacent to and west of the approved proposed crush pad. No other changes are being requested; no change in annual production; no change in hours of operation; no change in visitation; and no change in the marketing program. The original winery project was approved on December 14, 2010.

Pursuant to Section 18.124.130, upon written request from the holder of a use permit, the zoning administrator may approve minor noncontroversial modifications to approved use permits after giving notice of intent to approve or deny, but without a public hearing in regard to project design or permit conditions which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project. Consistent with the foregoing, the zoning administrator may approve changes in location and/or size of approved structures or portions thereof, provided that, the zoning administrator shall not consider or approve a minor modification if the result of the approval of the requested minor modification would result in any structure or the aggregate of all approved structures being increased more than twenty-five percent (24%) in size or one story in height based on the size allowed under the approved use permit. Equipment enclosures whose permanent installation outdoors was approved by use permit are not subject to this size limitation. If any member of the public requests a public hearing during the comment period, then the zoning administrator will provide public notice in accordance with Section 18.136.040 and conduct a public hearing. On September 4, 2014, the Zoning Administrator issued a notice of intent to approve the Minor Modification application request, with conditions. On September 15, 2014, David Hallett submitted a request that the project be heard at a Planning Commission public hearing. On September 29, 2014 and after this item was noticed to the public, Mr. Hallett withdrew his request.

Staff finds the project consistent with the the Napa County Code and supports grant of the Use Permit Modification, subject to the proposed conditions of approval.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

The proposed project is Categorical Exempt pursuant to pursuant to Section 15311 Class 11(b), Accessory Structures, Small Parking Lots, and pursuant to 15301, Appendix B, Class 1(3) (Minor modifications of existing use permits in conformance with Section 18.124.130 of the Napa County Code) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA). The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Under Section 15300.2 of the CEQA, a Class 3 (Section 15303) and a Class 11 (Section 13311) exemption cannot be used if environmental sensitivities exist at the site or if there will be cumulative impacts. The proposed minor changes to the existing building pad, as previously approved, to expand the winery coverage to allow the six-space parking lot will improve circulation in the winery production area and will enhance fire and emergency access. There are no environmental sensitivities, scenic resources, hazardous waste sites, nor historic resources identified on the site. There are no other proposed changes to the existing building pad as previously approved; to the production level, visitation, marketing, or employees. Therefore, these exemptions are appropriate and this proposal meets the Categorical Exemptions discussed above.

## **BACKGROUND AND DISCUSSION**

**Owner/Applicant:** Mike Hirby and Schatzi Throckmorton, PO Box 327, St. Helena, CA 94574 (707) 967-9380

**Applicant's Representative:** Jon Webb, Albion Surveys, 1113 Hunt Ave, St. Helena, CA 94574 (707) 963-1217

**Zoning District:** Agricultural Watershed (AW)

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

**Filed:** June 6, 2014    **Complete:** July 6, 2014

**Parcel Size:** 10.3 acres

**Existing Development:** The 10.3 acre parcel is vacant land where there is currently construction activity to create winery caves and to construct road improvements in accordance with the approved winery use permit #P10-00162.

### **Winery Characteristics:**

**Winery Size (Approved):** 8,641 sq ft winery structure with 2,458 sq ft caves

**Production Capacity (Approved):** 20,000 gallons per year

**Development Area (Approved):** 37,992 sq ft

**Winery Coverage (Approved):** 30,492 sq ft/.7acres; 6.8% (maximum 25% or 15 acres)

**Winery Coverage (Proposed):** 28,500 sq.ft/ .65 acres; 6.4%

**Accessory/Production Ratio (Approved):** 2,144 sq.ft. accessory use; 33% (Maximum 40% allowed)

**Number of Employees (Approved):** 4

**Visitation (Approved):** a. Tours and tastings shall be limited to a maximum of 20 visitors per day and a maximum of number of visitors per six day week as follows: i. November 16 through February – 60 visitors per six day week; ii. March through August – 80 visitors per six day week; iii. September through October – 120 visitors per six day week; and, iv. November 1 through November 15 – 80 visitors per six day week;

### **Marketing Program (Approved):**

a. Frequency: 4 times per year (and shall not be held at the same time of day as any other marketing event or tours and tasting appointment.):

- Number of persons: 12 maximum;  
Time of Day: 12 Noon to 10:00 PM;  
Days per Week: Six;
- b. Frequency: 6 times per year (and shall not be held at the same time of day as any other marketing event or tours & tasting appointment.):  
Number of persons: 30 maximum;  
Time of Day: 12 Noon to 10:00 PM;  
Days per Week: Six;
- c. Frequency: 1 time per year (and shall not be held at the same time of day as any other marketing event or tours & tasting appointment.):  
Number of persons: 50 maximum  
Time of Day: 12 Noon to 10:00 PM  
Days per Week: Six
- d. Participation in the annual Napa Valley Wine Auction is permitted as a Category 5 Temporary Event.
- e. Any single Marketing Event may include food that shall be catered and prepared in an off-site commercial kitchen in accordance with and as approved by Napa County Department of Environmental Management.
- f. A shuttle service shall be provided for a Marketing Event totaling 50 persons.

**Days and Hours of Operations (Approved):** Winery hours of operation Monday through Saturday, 7:00 am to 5:00 pm; Harvest and bottling, Monday - Sunday 7:00 am - 10:00 pm.

**Parking (Approved):** Construction of six (6) -space parking area. Shuttle service provided for Marketing Event totalling 50 persons.

**Parking (Proposed):** Relocation

**Setbacks (Required):** 20' side, 20' rear, 300' Soda Canyon Rd.

**Adjacent General Plan Designation/Zoning District/Land Use:**

North:

AWOS General Plan Designation, AW Zoning – Adjoining the property site to the north area are rural residential uses on 3 properties total of 161 acres.

South and East:

AWOS General Plan Designation, AW Zoning – Adjoining the property site to the south is rural residential use with vineyards on 26.91 acres.

West:

AWOS General Plan Designation, AW Zoning – Adjoining the property site rural residential use on 4.6 acres.

**Code Compliance History:**

There are no open or pending code violations for the subject site.

**Property History:**

On December 14, 2010, the Napa County Board of Supervisors held a noticed public hearing regarding an appeal filed by Daniel McFadden and by David Hallett to a decision by the Planning Commission on August 18, 2010 to approve the Relic Winery Use Permit #P10-00162-UP to establish a 20,000 gallon/year winery, construct an 8.641 sq.ft., two-story winery, and 2,458 sq.ft. caves in two phases; approve the related Exception to the Napa County Road and Street Standards; and adopt a Negative Declaration. At the hearing, the Board members took final action and adopted the Negative Declaration and approving Use Permit subject to revised conditions of approval agreed

upon by the Applicant and accepted the appellant's withdrawal of their respective appeals concurrent with the Board's adoption of the revised conditions of approval. (See Attachment D)

The site plan of Use Permit #P10-00162 included the construction of six (6) parking places, four to be located at the entrance of the winery production area (crush pad and tank pad), and one space and a unload zone to be located on top of the caves. These spaces are the subject of the proposed minor modification.

On May 14, 2014, the Napa County Planning, Building and Environmental Services Department approved Very Minor Modification Request #P14-00093-VMM to remove the construction phasing of the cave system for tank and barrel storage; to rearrange the outdoor work area to reconfigure the "mechanical area" and the location of three of the approved parking spaces with a limitation on the number of employees to two permitted until the construction of the additional three parking spaces; and incorporated and established the location of the temporary storage of spoils for removal from site as delineated on the grading permit plans dated April 23, 2014 (#ENG14-00013). (See Attachment E)

### **Discussion Points:**

Setting - Located on a 10.3 acre hillside on the western slopes of Soda Canyon, the east side of Soda Canyon Road, approximately 4 miles north of its intersection with Silverado Trail. Access to the winery site is off a private driveway on the east side of Soda Canyon Road about four plus miles northeast of Silverado Trail and five miles due east of the Town of Yountville. The parcel was vacant with evidence of prior land management consisting of road berms, a residential building pad and surface soil movement with surface soil movement on the lower portions of the property. There is currently construction activity to create the winery caves and to construct road improvements. No vineyards are present on the site and none are proposed. Grapes for wine production will come from the upper region of Soda Canyon and other vineyards within Napa County in accordance with the Winery Definition Ordinance 75% rule. The owners have been producing wine in the Valley for a number of years at six different production facilities throughout Napa Valley.

Proposed Modification Request -The project before the Commission is a minor modification to alter the layout of the site plan to relocate the six approved parking spaces to a single location southeast of the covered crush pad. The original 6 parking spaces were located in various places on the site, adjacent to the mechanical area, on the covered crush pad and on top of the caves. The Very Minor Modification request (#P14-00093-VMM) approved administratively on May 14, 2014 relocated three of the parking spaces to a location on the crush pad, adjacent to the winery building and the cave portals. A Minor Modification is now being processed since the proposed parking area is located outside of the winery development area originally approved. The proposed parking location is preferable to the original random parking arrangement and staff had recommended approval of the plan to the Zoning Administrator. No other changes to the approved winery are proposed.

Public Comment: Pursuant to Section 18.136.040, a public notice of intent to approve the Minor Modification. On September 15, 2014, David Hallett submitted a request that the project be heard before the Planning Commission. On September 29, 2014, Mr. Hallett withdrew his request. (see Attachment G). No other public comments have been received to date.

### **Consistency with Standards:**

Zoning - A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to County Code Section 18.20.030) are permitted within the AW (Agricultural Watershed) District with an approved use permit. Based upon the discussion provided above, staff is recommending approval of the use permit request. The project as conditioned complies with the applicable provisions of the Napa County Winery Definition Ordinance and all other requirements of the Zoning Code.

Environmental Health Division – Recommends approval with standard conditions in the attached Memorandum dated August 14, 2014.

Engineering Services Division – Recommends approval with standard conditions in attached Memorandum dated August 20, 2014.

**SUPPORTING DOCUMENTS**

- A . EXHIBIT A - FINDINGS
- B . EXHIBIT B - CONDITIONS
- C . Department Conditions
- D . Original Approved Conditions P10-00162
- E . Conditions of Approval Very Minor Modification P14-00093
- F . Application Materials
- G . Neighbor Comments
- H . GRAPHICS

Napa County Planning Commission: Approve

Reviewed By: John McDowell