



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/16/2019

Agenda Placement: 7C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

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

SUBJECT: Kitoko Winery

RECOMMENDATION

PHILIPPE LANGNER / KITOKO WINERY / USE PERMIT P17-00373-UP

CEQA Status: 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): Biology and Transportation. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit to allow the construction of a new 40,000-gallon winery with following characteristics: a) Construction of a winery building consisting of two detached structures (3,187 sf and 2,603 sf) joined in the center by a covered crush pad (1,658 sf). Mobile bottling activities will occur in the crush pad area; b) Construction of an approximately 13,662 sf cave with access by three (3) portals. One portal will be accessed from the new winery building and one will be accessed from the covered crush pad and the third will be accessed from the turn-around area located at the western portion of the project. The cave will be used primary for production with the exception of a 420 sf hospitality room; c) Tours and tastings by appointment only with a maximum of 20 visitors per day and a weekly maximum of 140 visitors; d) A marketing program of 10 events per year with a maximum of 30 persons and one (1) event per year with a maximum of 100 persons. Events to be held between 10 am and 6 pm and 7 pm to 10 pm. All events will be catered with food prepared off-site. Portable toilets will be brought in for the large marketing event; e) Four (4) full-time and three (3) part-time employees; During harvest on a weekday, there will be five (5) full-time employees and one (1) part-time employee. There will be three (3) full-time employees on a harvest weekend; f) On premise consumption of wines produced on-site within the outdoor terraced area, hospitality building designated tasting areas, and the cave's designated hospitality room in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; g) Winery hours of operation Monday through Sunday 7 am – 6 pm (Non-harvest Production) and 10 am – 6 pm (Visitation); h) Construction of seven (7) parking spaces; i) Installation of a wastewater system with tanks above or below ground; j) Installation of a well and a public water system; and k) installation of an underground or above ground water storage system for fire

protection and rain water collection (50,000 +/- gallons); l) Installation of a 10,000 gallon domestic water tank; and m) All project spoils and rocks generated from the cave and construction activities to be disposed on-site in front of the proposed winery. The project is located on an approximately 20-acre site within the AW (Agricultural Watershed) zoning district at 3201 Atlas Peak Road, Napa, CA 94558; APN: 033-010-034.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the Use Permit, as conditioned.

Staff Contact: Charlene Gallina, Supervising Planner, (707) 299-1355; charlene.gallina@countyofnapa.org

Applicant: : Phillippe Langner, (707) 927-3787; philippe@hesperianwines.com

Applicant Representative: Jon Webb, Albion Surveys, Inc. (707) 963-1217; jwebb@albionsurveys.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on recommended Findings 1-7 in Attachment A; and,
2. Approve Use Permit No. P17-00373-UP based on Findings 8-12 of Attachment A and subject to the recommended conditions of approval (Attachment B).

Discussion:

The proposal is to construct and operate a new winery with a production capacity of up to 40,000 gallons. The project would consist of two detached structures approximately 5,790 sf winery (hospitality and production buildings) in size plus a 1,658 sf covered outdoor crush pad located between the two buildings and a 13,662 sf cave on a 20-acre site. The request includes daily visitation and marketing events with food and wine pairings catered and on-premise consumption of wines produced at the winery. The project also includes various utilities and site improvements associated with construction.

The requested visitation and marketing program has been found below or in the middle in size to those of comparable 40,000 gallon per year production wineries with by appointment visitation and marketing activities. Furthermore, sufficient water is available for the site, the grape supply is commensurate with the proposed production request, and the applicant also proposes to incorporate GHG reduction measures as part of the project. Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Furthermore, staff has also determined that there will be no significant environmental impacts to the site given application of the required Biology and Transportation/Traffic mitigation measures into the project. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a 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. Mitigation measures are proposed for the areas of biology and transportation/traffic. It should be noted that the property is listed on the State of California Geotracker database system as a Unpermitted Leaking Underground Storage Tank (LUST) cleanup site. However, property research revealed that on November 7, 2016, a letter from the Department of Public Works was sent to the former property owner confirming the completion of a site investigation and corrective action for the voluntary cleanup program at this site (Napa County Site HF-E 8241). The letter also stated that no further action related to the contamination release at the site was required. Therefore, the site is not considered to have any potential significant environmental effect related to the LUST.

BACKGROUND AND DISCUSSION

Owner/Applicant: Phillippe Langner, 3201 Atlas Peak Road, Napa, CA 94558; 707-927-3787

Representative: Jon Webb, Albion Surveys, Inc., 1113 Hunt Avenue, St. Helena, CA 94574; (707) 963-1217

Zoning: Agricultural Watershed (AW) District

GP Designation: Agriculture, Watershed & Open Space (AWOS)

Filed: October 6, 2017 ; **Resubmittals Received:** February 20, 2018, March 9, 2018 ; **Deemed Complete:** March 8, 2019

Parcel Size: 20 acres

Existing Development: Prior to the Atlas Fire in October 2017, the parcel was previously developed with an existing residence, barn and various agricultural outbuildings just south of the proposed winery location. No other structures existed in the area. The property is served by a well and septic system and is accessed via an existing driveway from Atlas Peak Road. Post fire about half of the site is grassland and half is chaparral. A residential driveway is located along the eastern end of the property. The remaining property is fallow with evidence of historical disturbance. There are no vineyards on the project site.

Proposed Winery Characteristics:

Winery Size: Winery building to consist of two detached structures (approximately 3,187+/- sf and 2,603+/- sf) joined in the center by a covered crush pad (approximately 1,658+/- sf). Mobile bottling activities will occur in the crush pad area. Also included is an approximately 13,662 sf cave with access by three (3) portals. One portal will be accessed from the new winery building, one will be accessed from the covered crush pad, and the third will be accessed from the turn-around area located at the western portion of the project. The cave will be used primary for production with exception to the 420 sf hospitality room. The applicant is requesting on-site consumption of wines produced at the winery to provided in all designated hospitality areas.

Production Capacity: 40,000 gallons per year

Winery Development Area:

Winery Coverage: 0.86 acres or 4.3% (Maximum 25% or Approximately 15 acres)

Accessory/Production Ratio: Accessory - 5,016+/- sf (420 sf - Cave + 4,596 sf bldg.); Production - 14,436+/- sf (13,242 sf - cave + 1,194+/- sf bldg.) The ratio equals 35% (Maximum 40% permitted). It should be noted that the outdoor visitation areas utilized for visitation.

Number of Employees: Four (4) full-time and three (3) part-time employees. During harvest on a weekday, there will be 5 full-time employees and 1 part-time employee and 3 full-time employees on the weekend.

Proposed Visitation: A daily maximum of 20 visitors per weekday and a maximum weekly total of 140 visitors per week by appointment only (includes food and wine pairings)

Proposed Marketing Program: 10 events per year with a maximum of 30 persons and one (1) event per year with a maximum of 100 persons. Events to be held between 10 am and 6 pm and 7 pm to 10 pm. All events will be catered with food prepared off-site. Portable toilets will be brought in for the large marketing event. Marketing events will be scheduled to preclude any new traffic on the valley roadway network between 3:00 and 5:30 p.m.

Days and Hours of Operation: Monday through Sunday; Visitation hours: 10:00 a.m. – 6:00 p.m. and Non-Harvest Production hours: 7:00 a.m.- 6:00 p.m.

Parking: Seven (7) spaces. The applicant proposes to implement a shuttle service whereby guests would be directed to park at the Silverado Resort and Spa Golf Course parking lot located 1600 Atlas Peak Road and shuttled to events that are held during the evening.

Setbacks Required: 300 feet from Atlas Peak Road; 20 feet from all other property lines

Proposed: Atlas Peak Road - Approximately 757 feet

Other Proposed: 345 feet from the west side; 130 feet from the north side; and 551 feet from the south side

Adjacent General Plan Designation/ Zoning / Land Use:

North: AWOS / AW / Medium Size Rural Residential Vacant (Residential - Destroyed by Fire) Lots

West: AWOS / AW / Medium Size Rural Residential Vacant (Residential - Destroyed by Fire) and Vineyard Lots and Scrambra Winery

South: AWOS / AW / Medium Size Rural Residential Vacant (Residential - Destroyed by Fire) Lots

East: AWOS / AW / Medium to Large Size Rural Residential Vacant (Residential - Destroyed by Fire) and Milliken Reservoir

Nearby Wineries (located within 1 mile of the project):

Please refer to Attachment M.

Code Compliance History:

None. There are no open or pending code violations on the project parcel. The County is not aware of any compliance issues on the property and no complaints have been filed.

Discussion Points:

Setting - The 20-acre project site is located at 3201 Atlas Peak Road, approximately four (4) miles north of the intersection of State Route 121 and Atlas Peak Road and approximately nine (9) miles northeast of downtown Napa. Prior to the Atlas Fire in October 2017, a residence and associated outbuildings existed just south of the proposed winery location, and no other structures existed in the area. The parcel is comprised of mostly

undeveloped land, approximately half of which is grassland and half is chaparral. A residential driveway is located along the eastern end of the site. The remaining property is fallow with evidence of historical disturbance. Vineyards are located to the west and north of the site. Elevation of the property ranges from 1,340 at the driveway entrance to 1,395 feet in the western portion of the property. Slopes on the property vary between 5-15 percent. A small unnamed blue-line stream, approximately 500 southwest of the development area flows southeast towards Milliken Creek and Milliken Reservoir. The project is located within the domestic watershed for Milliken Reservoir. The United States Department of Agriculture Soil Conservation Service Soils Map for Napa County shows the entire property mapped as Hambright-Rock outcrop complex, 2 to 30 percent slopes and Hambright-Rock outcrop complex 30 to 75 percent slopes. The area does not lie within the FEMA flood zone. The project site is in an area designated as Very High Fire Hazard Severity and compliance with Chapter 7A of the California Building Code is required for new construction.

2017 Napa Fire - The Atlas Fire in October 2017 destroyed the main residence and associated outbuildings on the subject property. As proposed on the project plans, two oak trees will be removed as a result of the project, however, most vegetation was destroyed in the Atlas Fire and additional removal may be required to clear trees burned in the fire. The proposed project is subject to, and as conditioned would comply with, County Code Section 18.108.027(B) (Sensitive Domestic Water Supply Drainages – Vegetation Clearing), which requires a minimum of 60% of the tree canopy and a minimum of 40% of the grass/brush cover existing on the parcel in 1993 be retained as part of the project. A vegetation retention analysis was prepared by Allied Civil Engineering for the site. The analysis revealed that there are no significant changes to the tree canopy and brush coverage on the project site. In 1993 (the baseline established by the County Code), approximately 0.7 acres out of the total 20 acres were improved. An additional 0.03 acres is proposed for development of the winery and access improvements. Approximately 0.7 acres of the subject property is covered in trees in which 100% will be retained except for two trees. With regards to brush and grass coverage, approximately 0.8 acres will be removed out of the existing 18.6 acres. As a result, this coverage will be reduced by 4% to 17.8 acres. The proposed project would retain 100% of the tree canopy and 96% of the grass/brush cover well above the 60/40% minimum.

Winery Proposal - The proposal is to develop a new winery with a maximum permitted capacity of up to 40,000 gallons per year. The project would consist of two detached structures approximately 5,790 sf winery (hospitality and production buildings) in size plus a 1,658 sf covered outdoor crush pad located between the two buildings and inside a 13,662 sf cave of which 420 sf of the cave would be used for hospitality activities. These structures will be set back 757 feet from Atlas Peak Road and screened from the road due to the topography of the site and being tucked into the hillside along with use of decorative landscaping to screen the parking lot and access to the building. The proposed architectural design of the winery structure would include elements, which allow the structure to integrate seamlessly into the site. These elements include: native stone gabion walls, shotcrete and rusted-metal finishes, a compact floor plan/development area and low plate heights. The color of the winery will be conditioned to meet the County's required earth tone palette. The height of the two winery buildings are 18'3" to the eave of the roof.

Visitation & Marketing - The application proposes a maximum of 20 visitors per day (Monday through Sunday) for a maximum weekly total of 140 visitors. The marketing program consists of 10 events per year with a maximum of 30 persons and one (1) event per year with a maximum of 100 persons. Events to be held between 10 am and 6 pm and 7 pm to 10 pm. All events will be catered with food prepared off-site. Portable toilets will be brought in for the large marketing event. The applicant has proposed to implement a shuttle service whereby guests would be directed to park at the Silverado Resort and Spa Golf Course parking lot located 1600 Atlas Peak Road and shuttled to events held during the evening. The attached winery comparison tables (Attachment M) compare the Kitoko Winery with wineries that currently have an annual permitted production capacity of 40,000 gallons. The requested daily and weekly visitation, annual visitors, and annual visitation program is below the average and median of comparable by appointment wineries and PreWDO wineries. With respect to the annual marketing visitors and number of marketing events, the proposed Kitoko Winery is in the middle of the average and median of comparable wineries. However, overall this proposal is not out of scope with what has been approved at similarly

sized wineries.

Groundwater Availability - The project's Water Availability Analysis (WAA) was completed by O'Conner Environmental on September 7, 2017 (Attachment I). The WAA revealed that the average water year recharge was approximately 8.8 acre-ft/yr. During drought conditions, recharge was at 5.2 acre-ft/yr. The parcel water demand will be met with a new well required to serve a Transient Non-Community Public Water System. The submitted Tier 1 WAA identified that the existing water demand for the property is 0.75 acre-ft/yr (residence only) and the projected water use for the project plus existing demand is 1.97 acre-ft/yr (existing residence - 0.75 acre-ft/yr, winery process – 0.86 acre-ft/yr, winery domestic/landscaping – 0.20 acre-ft/yr, employees – 0.07 acre-ft/yr, and visitation - 0.09 acre-ft/yr), representing an increase of 1.22 acre-ft/yr over the existing condition. A Tier 2 analysis was not conducted by O'Conner Environmental because the nearest non-project well is approximately 1,100 feet to the northwest of the project site. Based upon this analysis, the proposed project will not result in a substantial increase in the demand of groundwater supplies or interfere with groundwater recharge or lowering of the local groundwater level. According to Napa County environmental resource mapping (Water Deficient Areas/Storage Areas), the project site is not located within a water deficient area and the County is not aware of, nor has it received any reports of groundwater deficiencies in the area.

Wastewater - Wastewater disposal would be accommodated on-site and in compliance with State and County regulations. According to the Wastewater Disposal Feasibility Study prepared by Applied Civil Engineering on September 12, 2017, the project site and proposed winery and wine cave development could be served by one of two potential on-site systems: 1) Option #1: Combined Sanitary and Process Wastewater Subsurface Drip Disposal Field, or 2) Option #2: Sanitary Wastewater Subsurface Drip Disposal Field and Process Wastewater Treatment for Irrigation. (Attachment J) The difference between the two systems is whether the sanitary wastewater and the winery process wastewater would be collected together and pretreated before dispersal in drip-type subsurface system or treated separately and dispersed separately. Applied Civil Engineering concludes that the project site would have adequate disposal capacity to serve either system designed for the project. Full design calculation and construction plans for the wastewater system will be prepared in accordance with Napa County standards at the time of building permit application. The Division of Environmental Health reviewed this report and concurred with its findings.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment E. The applicant proposes to implement the following voluntary GHG reduction methods with the project: exceeding Title 24 energy standards, installation of rooftop or ground mounted solar panels; installation of water efficient fixtures; application of low impact development; installation of water efficient landscape in compliance with the Water Efficient Landscape Ordinance (WELO); recycling waste and composting, installation of energy conserving lighting; the installation of bicycle racks; reducing Vehicle Miles Traveled (VMT) for employees by offering incentives, and the designation of clean air/carpool/electric vehicle parking spaces.

Traffic - Crane Transportation Group prepared a Traffic Impact Report for Kitoko Vineyards Winery on August 10, 2017 and revised on February 20, 2018 (Attachment G). The traffic study was developed to respond to work tasks typically requested by the Napa County Public Works Department. Evaluation was conducted for harvest Friday and Saturday PM peak traffic conditions. Existing harvest 2017, year 2020 and year 2030 (Cumulative – General Plan Buildout) horizons were evaluated both with and without project traffic. Operating conditions along Atlas Peak Road at the project entrance, as well as, at the Atlas Peak Road/Monticello Road (SR 121) and Silverado Trail/Hardman Avenue intersections were evaluated for all analysis scenarios based upon the County's recently approved significance criteria. In addition, the project driveway intersection with Atlas Peak Road was evaluated for sight line adequacy, as well as, the need for a left turn lane based upon County warrant criteria.

Analysis of peak traffic hours were based upon the highest volumes surveyed along Silverado Trail at Hardman Avenue, as volumes at this location were significantly higher than those at the Atlas Peak Road/Monticello Road intersection. Along Silverado Trail, projected two-way volumes north of Hardman Avenue during harvest would be expected to be higher during the Friday PM peak hour compared to the Saturday PM peak hour (about 1,715 Friday PM peak hour two-way vehicles versus about 1,510 Saturday PM peak hour vehicles). Volumes along Monticello Road just west of Atlas Peak Road would also be expected to be higher during the Friday PM peak hour compared to the Saturday PM peak hour (about 1,230 vehicles during the Friday PM peak hour versus about 800 vehicles during the Saturday PM peak hour). Atlas Peak Road at the project site would also be expected to have higher Friday than Saturday PM peak volumes (19 vehicles during the Friday PM peak hour and 5 vehicles during the Saturday PM peak hour). The driveway serving the Kitoko Winery site had one vehicle during the Friday PM peak hour and 0 vehicles during the Saturday PM peak hour. During harvest, three outbound trips will occur both on the Friday (4:15-5:15 pm) and Saturday (4:30-5:30 pm) PM peak hours, due to the combination of the last visitors of the day leaving and the tour/tasting employees going home. It should be noted that, as part of the project scope, marketing events will be scheduled to preclude any new traffic on the valley roadway network between 3:00 and 5:30 p.m. Under the Year 2017 Harvest + Project Off-Site Circulation Impacts and Year 2020 Harvest + Project Off-Site Circulation Impacts scenarios, the project would not result in any significant level of service or signal warrant impacts to the unsignalized Silverado Trail/Hardman Avenue intersection. Although the stop sign controlled Hardman Avenue intersection approach to Silverado Trail would be operating at an unacceptable level of service with or without the project, the increase in traffic on the Hardman Avenue approach due to the project would be less than 10 percent. The project would not result in any significant level of service impact at the signalized Atlas Peak Road/Monticello Road intersection and would not degrade operation from acceptable to unacceptable. As for the Year 2030 (Cumulative) Harvest + Project Off-Site Circulation Impacts scenario, the project would result in a significant level of service impact to the Silverado Trail/Hardman Avenue intersection during both the Friday and Saturday PM peak hours. The growth in traffic from existing to cumulative conditions on the stop sign controlled Hardman Avenue approach to Silverado Trail would be increased by more than 5 percent due to the addition of project traffic during both peak hours. However, there would be no level of service impacts to the signalized Atlas Peak Road/Monticello Road intersection and the project would not degrade operation from acceptable to unacceptable. To mitigate any potential impacts, the permittee will be required to install a sign directing winery guests when exiting the project driveway to make a right turn at the signalized Atlas Peak Road/Monticello Road intersection when desiring to travel up the Napa Valley to access either Silverado Trail or SR 29. Implementation of mitigation measure TRANS – 1 (COAs #6.12(c) and #9.9(a) would reduce cumulative traffic conditions and reduce project impacts to less than significant.

After implementation of the proposed project, the site would be accessed via a new driveway off Atlas Peak Road (using the existing driveway access point). Based on the existing volumes on Atlas Peak Road and expected daily volumes at the project driveways, a left turn lane is not required at the proposed project driveway per the County's standard left turn lane warrant. Sight distance along Atlas Peak Road at the project driveway and proposed driveway was evaluated based on sight distance criteria contained in the Highway Design Manual published by Caltrans. Sight lines are currently acceptable in both directions at the project's driveway connection to Atlas Peak Road, but brush will need to be trimmed on a regular basis in order to maintain the acceptable sight lines as provided in mitigation measure TRANS - 2 identified in the project's Initial Study/Mitigated Negative Declaration. Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as mitigated and conditioned in COAs #4.19(a) and #6.12(d).

Parking - The proposal includes the construction of seven (7) parking spaces at the subject site. Based upon the County standard of 2.6 persons per vehicle during the weekdays, 2.8 persons per vehicle during the weekends and 1.05 persons per vehicle for employees, the minimum parking required for daily activities would be seven spaces. However, it is unlikely that the winery would host 20 visitors at one time on a weekend and have four full-time employees and three part-time employees at the site at one time. The proposed parking will meet the anticipated parking demand and will avoid providing excess parking. Furthermore, the proposed marketing events each year would occur between 10:00 am and 6:00 pm and 7:00 pm to 10:00 pm, but would be scheduled to

eliminate any guest traffic on the local circulation system between 3:00 and 5:30 pm on any day of the week. In addition, the applicant will implement a shuttle service whereby guests would be directed to park at the Silverado Resort and Spa Golf Course parking lot located 1600 Atlas Peak Road and shuttled to events held during the evening.

Biological Resources - The biological analysis was prepared for the project by Salix Consulting, Inc. (Salix) [Biological Resources Assessment for the +/- 6.2 Acre Kitoko Vineyard (Winery) Study Area Napa County, California] in December 2017 (Attachment H). Elevations of the property range from approximately 1,340 feet at the driveway entrance on Atlas Peak Road to 1,395 feet in the western portion of the property. Prior to the Atlas fire in October 2017, a residence and associated outbuildings existed on the property. Post fire, about half of the site is grassland and half is chaparral. A residential driveway is located along the eastern end of the project site. The remaining property is fallow with evidence of historical disturbance. Vineyards were located to the west of the site on APN: 039-010-005, which is also owned by the project proponent. Field assessments of the study area were conducted on June 2, 2017 and August 5, 2017 (prior to the Atlas fire) to characterize existing conditions, assess the potential for sensitive plant and wildlife resources to occur, and determine if waters of the U.S. were present onsite. During the field assessments, all plants and animals observed were documented, and habitat types were determined. Biological communities of the study area were mapped, and representative ground and aerial photographs were taken.

According to the Salix report, only one of the potentially occurring special status plant species was observed on site: Napa bluecurls. Napa bluecurls (*Trichostema ruygtii*) is an annual herb that is native to and endemic to California. It has no federal or state status but is ranked 1B.2 (rare and endangered in California) by CNPS. The plant is endemic to California in the northern San Francisco Bay Area, where it is known from the southern Mayacamas Mountains in Napa County and into western Solano County. It grows in chaparral and openings and adjacent grassland areas. Napa bluecurls typically grows about a foot tall, sometimes up to two feet. The plant is highly aromatic from glandular hairs growing on the stems and leaves. The flowers are pale lavender in color. Its bloom period is June to October, peaking in late July and August. During the August 5, 2017 field assessment, Napa bluecurls were observed and mapped in sixteen subpopulations (ranging from 5-100 plants each) of the openings in the chaparral in the central portion of the study area (Figure 6 in the Salix report). The size of the study area was approximately 6.2 acres out of the total 20-acre site. The plants were growing in a fairly distinct microhabitat; in open non-shady areas among annual grasses and forbs. These plants were not observed in early June but were quite distinguishable in early August. Representative ground photos show the plants in their habitat and a close-up of an individual plant are presented in Figure 7 of the Salix report. Per the project plans, the construction of the access driveway to the winery facility may disturb some of the Napa bluecurls communities. As such, implementation of mitigation measures BIO-1 would reduce potentially significant impacts to a level of less than significant.

Grape Sourcing - No vineyards are located on the project site. However, the parcel located directly to the west (APN 039-010-005) is also owned by Kitoko Vineyards, LLC (3139 Atlas Peak Road). Approximately 17% of the grapes needed for the 40,000 gallon per year wine production are grown on this site. This accounts for the elimination of nine (9) overhaul truck trips/year. The remainder of the grapes will come other sources located on Atlas Peak Road. These new grapes will be transported to the site in about 20 trucks spread over a period of 10 days.

Public Comments – At the time of staff report preparation and after the 30 day public notice had published, an email transmittal was received by the Department of Toxic Substances Control, dated September 26, 2019 stating that a Leaking Underground Storage Tank (LUST) site is shown to exist at the project's address on the online Geotracker database and that the LUST site is listed as completed/case closed. Staff researched this matter and found that a site investigation and corrective action for the voluntary cleanup at the site occurred. The Department of Public Works issued a no further action letter on November 7, 2016. Staff has attached a memorandum to the environmental document prepared for this project documenting staff's findings. No other public comments has been received to date regarding this project (Attachment D).

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of the project with conditions of approval as described in Option 1 below. Other decision-making options include a no project alternative and a reduced project alternative.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 40,000 gallon per year winery. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. The requested visitation and marketing program is similar in size to those of 40,000 gallon per year production wineries with by appointment visitation and marketing activities. Furthermore, staff has found the grape supply is commensurate with the proposed production request, sufficient water is available to implement the project, the applicant proposes to incorporate GHG reduction measures as part of the project, and there will be no significant environmental impacts to the site given application of mitigation measures.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Reduced Project Alternative

Disposition - This option would reduce production, visitation and/or marketing program numbers. However, based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting a reduction in the project.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the reduction of the proposed visitation and marketing program. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting a Use Permit, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit request is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

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

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval & Agency Memos
- C . Initial Study/Mitigated Negative Declaration

- D . Public Comments
- E . Application Packet
- F . Project Plans
- G . Traffic Study
- H . Biological Study
- I . Water Availability Analysis
- J . Wastewater Feasibility Study
- K . Stormwater Control Plan
- L . Graphics
- M . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina