



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/2/2019

Agenda Placement: 7B

## 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:** Sean Trippi, Principal Planner - 299-1353  
**SUBJECT:** Ellman Family Winery

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### **RECOMMENDATION**

#### **LANCE ELLMAN, JLE GROUP, LLC / ELLMAN FAMILY WINEREY / USE PERMIT #P18-00249**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant impacts. 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 Use Permit for a new 30,000 gallon per year winery to allow the following: (a) construction of a 6,104 sq. ft. one-story winery building, including 4,356 sq. ft. of production floor area and 1,748 sq. ft. of accessory floor area (1,205 sq. ft. tasting room and commercial kitchen), with a 1,115 sq. ft. outdoor covered work area, and a 552 sq. ft. covered terrace outside the tasting room; (b) installation of two water storage tanks totaling 100,000 gallons for fire suppression, and two water storage tanks totaling 21,000 gallons for domestic and irrigation; (c) on-site parking for 8 vehicles; (d) ten or fewer full and part-time employees; (e) hours of operation seven days a week: production 6:00 AM to 6:00 PM (non-harvest) and visitation 10:00 AM to 6:00 PM; (f) tours and tastings by appointment only (wine and food pairings) for a maximum of 15 visitors per day, 70 maximum per week; (g) establishing a marketing program, which may include catered events, to host two events per month for up to 10 guests at each event; one event per year with up to 100 guests at each event; one event per year with up to 125 guests at each event; and, one event per year with up to 200 guests at each event (665 guests per year); (h) on-premise consumption of wines produced on site in the tasting room and outdoor covered terrace in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (i) installation of a left turn lane and right turn deceleration lane on Silverado Trail ; (j) on-site domestic and process wastewater treatment systems; and, (k) driveway improvements, entry gate/signage, and landscape improvements. The winery is proposed on a 13.52 acre property located on the east side of the Silverado Trail, south of the Silverado Trail/Soda Canyon Road intersection, within the Agricultural Watershed (AW) zoning district. APN: 039-610-001, 3286 Silverado Trail, Napa.

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

**Staff Contact:** Sean Trippi, Principal Planner, (707) 299-1353 or [sean.trippi@countyofnapa.org](mailto:sean.trippi@countyofnapa.org)

**Applicant:** Lance Ellman, JLE Group, LLC; (954) 646-5464 or [lance@jlegroup.com](mailto:lance@jlegroup.com)

**Applicant Representative:** Donna Oldford, Plans4Wine; (707) 963-5832 or [dboldford@aol.com](mailto:dboldford@aol.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-7 in Attachment A; and,
2. Approve Use Permit No. P18-00249-UP based on Findings 8-14 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 30,000 gallons. The winery would consist of a 6,104 sq. ft. one-story winery building, including 4,356 sq. ft. of production floor area and 1,748 sq. ft. of accessory floor area (1,205 sq. ft. tasting room), with a 1,115 sq. ft. outdoor covered work area, and a 552 sq. ft. covered terrace outside the tasting room. The request also includes visitation and marketing events. Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Implementation of the proposed project would result in minimal potential environmental impacts. 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 Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

## **BACKGROUND AND DISCUSSION**

**Owner/Applicant:** Lance Ellman, JLE Group, LLC, 2830 NE 29th Street, Fort Lauderdale, FL 33306; (954) 646-5464; [lance@jlegroup.com](mailto:lance@jlegroup.com)

**Representative:** Donna Oldford, Plans4Wine; 2620 Pinot Way; St. Helena, CA 94574; (707) 963-5832;

DBOldford@aol.com

**Zoning:** Agricultural Watershed (AW)

**GP Designation:** Agricultural Resource (AR) & Agriculture, Watershed & Open Space (AWOS)

**Filed:** June 15, 2018

**Resubmittals Received:** June 20, 2018, September 15, 2018, October 3, 2018, November 5, 2018, May 30, 2019

**Deemed Complete:** June 28, 2019

**Parcel Size:** approximately 13.52 acres

**Existing Development:** The site is currently developed with a residence, guest cottage, swimming pool, water storage tanks, pond, wastewater treatment system and approximately 9.08 acres of vines. Approximately 2.86 acres of vines will be removed to accommodate the proposed winery.

**Proposed Winery Characteristics:**

**Winery Size:** Approximately 6,104 sq. ft. one-story building, including 4,356 sq. ft. of production floor area and 1,748 sq. ft. of accessory floor area (1,205 sq. ft. tasting room), with a 1,115 sq. ft. outdoor covered work area, and a 552 sq. ft. covered terrace outside the tasting room.

**Production Capacity:** 30,000 gallons per year

**Winery Development Area:** +/- 8,651 sq. ft. or approximately 0.20 acres

**Winery Coverage:** +/- 50,442 sq. ft. or approximately 1.16 acres, 8.6% of site (Maximum 25% or approximately 15 acres)

**Accessory / Production Ratio:** Accessory +/- 1,748 sq. ft.; Production +/- 5,471 sq. ft. - approximately 32% (Maximum 40% permitted)

**Number of Employees:** Up to ten (10) full and/or part-time

**Proposed Visitation:** Maximum of 15 visitors per day by appointment only (70 maximum visitors per week). Tours and tastings may include wine and food pairings.

**Proposed Marketing Program:** Two events per month for up to 10 guests at each event; one event per year with up to 100 guests; one event per year with up to 125 guests; and, one event per year with up to 200 guests (665 guests per year, total). Marketing events would occur between 10:00 AM and 10:00 PM. A commercial kitchen is proposed, where some of the food would be prepared for tastings and/or marketing events. Marketing events may also be catered.

**Days and Hours of Operation:** Monday through Sunday; production (non-harvest) 6:00 AM to 6:00 PM and visitation 10:00 AM to 6:00 PM. Evening marketing events would occur between 6:00 PM and 10:00 PM.

**Parking:** Eight (8) parking spaces including three ADA spaces.

**Setbacks:** Required: 600-feet from Silverado Trail, 45-feet from the top of the creek bank, and 20-feet from the north and south property lines

**Proposed:** +/- 980-feet from Silverado Trail; 538-feet from east property line; +/- 460-feet from the top of the creek

bank; +/- 60-feet from the north property line; and, +/- 140-feet from the south property line.

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

North:

Agriculture, Watershed & Open Space (AWOS) General Plan designation, Agricultural Watershed (AW) zoning - North of the project site are two properties; a 4.24 acre property with a single-family home and a 10.05 acre property with a single-family home, vines and the approved but unbuilt Grassi winery. Across Soda Canyon Road to the northwest is a delicatessen/market.

South:

Agricultural Resource (AR) and Agriculture, Watershed & Open Space (AWOS) General Plan designations, Agricultural Watershed (AW) zoning - South of the project site is a 13.45 acre property with a single-family home, the Reynolds winery and vineyards.

East:

Agriculture, Watershed & Open Space (AWOS) General Plan designation, Agricultural Watershed (AW) zoning - East of the site are two properties; a 20.4 acre property with a single-family home and vines and a 17.5 acre site planted in vines.

West:

Agricultural Resource (AR) General Plan designation, Agricultural Preserve (AP) zoning - West of the project site is a 49.05 acre property with a single-family home, vines and the approved but unbuilt Corona Winery.

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

Please refer to Attachment L.

**Code Compliance History:**

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

**Discussion Points:**

Setting - The 13.52 acre winery parcel is located on the east side of the Silverado Trail, south of the Silverado Trail/Soda Canyon Road intersection. The winery site is currently developed with a recently constructed single-family home, guest cottage, swimming pool, water storage tanks, pond, wastewater treatment system and approximately 9.08 acres of vines. Approximately 2.86 acres of vines will be removed to accommodate the proposed winery. Access to the site is provided by an existing driveway connection from Silverado Trail, approximately 250 feet south of Soda Canyon Road. The property is relatively flat ( $\pm 0-10\%$  slope) with elevations on the property ranging from approximately 60 feet above mean sea level (msl) to approximately 85 feet above msl. A blue-line stream runs through the property (north-south) approximately 240 feet from the easterly property line and 360 feet from the winery development area.

Winery Proposal – The winery would consist of a 6,104 sq. ft. one-story winery building, including 4,356 sq. ft. of production floor area and 1,748 sq. ft. of accessory floor area (1,205 sq. ft. tasting room and commercial kitchen), with a 1,115 sq. ft. outdoor covered work area, and a 552 sq. ft. covered terrace outside the tasting room. Grading spoils from project construction would be disposed on-site as indicated in the submittal materials. The proposed winery buildings would feature wood siding and metal siding with metal roofing finished in earth tones.

Setbacks - The proposed project meets all applicable minimum setbacks, including the 600-foot minimum winery building setback from Silverado Trail. No variances are requested or required as part of the proposal.

Visitation/Marketing Program - The project includes a request for a maximum of 15 visitors per day; maximum 70 visitors per week; and a marketing program to include two (2) events per month for up to 10 persons, one (1) events per year for up to 100 persons, one (1) event per year for up to 125 persons, and one (1) event per year for up to 200 persons. Food served at the events may be prepared on site or will be catered. As shown in Attachment L, the requested visitation for tours and tastings and marketing fall below the average and median visitation for similar production size winery facilities with a maximum of 4,305 visitors a year. The project would have the fourth lowest annual visitation rate of the 18 wineries within one mile, and the 12th lowest annual visitation rate of the 33 wineries within the same annual production capacity. All potential impacts have been addressed and the project would be consistent with General Plan and zoning requirements.

Traffic - The applicant submitted a traffic impact study, prepared by Crane Transportation Group (Crane), dated November 1, 2018. The traffic study analyzed the potential impacts of the project during the PM peak hour on three intersections in the vicinity: Silverado Trail/Oak Knoll Avenue; Silverado Trail/Soda Canyon Road; and, Silverado Trail/Hardman Avenue. All three approaches to Silverado Trail are stop sign controlled. According to the County of Napa's Winery Traffic Information/Trip Generation Sheet, the proposed project's daily traffic volumes and peak hour trips have been calculated to be 30 vehicle trips with 11 trips occurring during the PM peak period on a typical weekday, 21 vehicle trips with 12 trips occurring during the PM peak period on a typical Saturday, and 32 vehicle trips with 18 trips occurring during the PM peak period on a Saturday during crush. Approximately 11 trips off-hauling grapes during the harvest season will be eliminated as a result of project.

All three study intersections operate at unacceptable levels of service (LOS E or F) for both the Friday and Saturday PM peak hour under existing conditions, year 2020 conditions, and cumulative conditions (year 2030) both with and without the project. In addition, Signal Warrant #3 criteria (the peak hour volume warrant) is met at all three study intersections with and without the project under existing, year 2020, and cumulative (year 2030) conditions. Project traffic generally follows a distribution pattern of 70% of vehicle trips heading southbound and 30% percent heading north bound during the PM peak hour for all three scenarios on both Friday and Saturday.

Under current County policy, if an unsignalized intersection or road segment is already impacted (LOS E or F) during the peak hour of traffic, a proposed project would be considered to have a significant impact requiring mitigation if the project would, in the peak hour, result in an increase of one or more percent to the existing volumes of an unsignalized intersection or road segment. For intersections or road segments that operate at acceptable levels (LOS A, B, C or D) during peak hours under existing conditions, a proposed project proponent would be required to mitigate the project's impacts if the project would have the effect of deteriorating the LOS of the intersection or road segment to an unacceptable level (LOS E or F) or would trigger peak hour warrants for installation of a traffic signal. Under cumulative conditions (i.e., General Plan buildout), a project would require traffic mitigation if it would contribute five or more percent of the traffic volumes projected to occur in the long-term horizon.

The requested use permit is not anticipated to have a significant impact to the transportation network in the vicinity of the site. The analysis submitted by the applicant's traffic engineer finds that the proposed project would have the effect of adding two, peak hour trips, one inbound (northbound) and one outbound (southbound), on Silverado Trail during the weekday and Saturday evening peak, with no northbound trips leaving the winery during the PM peak hour. This increase in southbound project-related trips correlates to an increase of approximately 0.08% to 0.09% percent during the weekday and Saturday evening peak period of traffic under existing, year 2020, and cumulative (year 2030) conditions. The increase inbound project-related would be an increase of 0.2% to 0.3% percent during the weekday and Saturday evening peak period of traffic under existing, year 2020, and cumulative (year 2030) conditions. Staff also evaluated potential peak hour traffic using the more conservative County Trip Generation Sheet with trip distribution as noted above. As expected the project-related trips added to the roadway network

increased but are still less than one percent, ranging from approximately 0.6% to 0.9% southbound and 0.2% to 0.3% northbound during the weekday and Saturday evening peak under existing, year 2020, and cumulative (year 2030) conditions. No mitigation necessary for level of service impacts is therefore required for the proposed project.

Access/Parking - Access to the winery site is currently provided from an existing driveway on the east side of Silverado Trail. The proposal includes a two-way left turn lane on Silverado Trail and a deceleration lane for right turn access to the winery. The existing driveway will be improved and extended as necessary to comply with the County Road and Street Standards.

The project is proposing a total of eight (8) parking spaces. The applicant has sufficient space to accommodate additional parking throughout the remainder of the property or will provide a shuttle service from nearby legally established parking areas for the larger marketing events.

Wastewater - There is a septic system installed on site that serves the existing residential development which will remain separate from the wastewater treatment system for the proposed winery. Bartelt Engineering prepared a wastewater disposal feasibility study, dated September 18, 2018 (revised), which demonstrated the feasibility of treating wastewater flows generated by the winery. The report proposes two wastewater system options, a pressure distribution system and a subsurface drip wastewater treatment system for all wastewater produced on site. The onsite wastewater system for either option would be designed for the peak winery process and domestic wastewater flows. The study concludes that the proposed winery wastewater disposal needs can be accommodated onsite. The Division of Environmental Health has reviewed the report and concurred with its conclusions that either of the proposed systems would be adequate to serve the winery. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal. Potential impacts would be less than significant.

Groundwater Availability - A Tier I Water Availability Analysis (WAA), dated June 2018 (revised), was prepared by Bartelt Engineering, Inc., to determine the estimated water use of the existing development and the proposed project, as well as to determine water availability. There is an existing well on the project site that will serve the proposed winery and the existing residential development and vineyard. Generally, since the groundwater extraction for the winery and residence would be from a well located on the Valley Floor area, the Valley Floor screening criteria of one acre-foot of water per acre of land will be used for the 13.52 acre property generating a water use availability of 13.52 acre-feet per year (AF/YR). However, properties that lie within the Northeast Napa Management Area, east of the Napa River, as is the case here, require additional review or parcel specific water use criteria based upon a Tier 2 analysis unless it can be shown that the project results in a reduction of water use.

According to the WAA, the projected overall water demand for the project site is 6.79 AF/YR, 4.67 AF/YR for the vineyard, 1.05 AF/YR for the residence, and 1.07 AF/YR for the winery. The existing water demand is 7.86 AF/YR, 6.81 AF/YR for the vineyard and 1.05 AF/YR for the residence. Approximately 2.86 acres of vines will be removed as part of the project resulting in the decrease in water use on the property. The proposed project would result in a 1.07 AF/YR decrease from the existing water demand of 7.86 AF/YR. The parcel water demand can be met with the existing project well. The project would result in an improvement over existing groundwater conditions because water use is being reduced. Conditions of approval 4.20(a), 6.15(b) and 9.9(a) address groundwater use including metering and monitoring water use and a groundwater demand management plan.

Grape Sourcing - The project site will have approximately 6.22 acres of vineyards once the winery is constructed which accounts for approximately 12% of the annual production capacity. The winery operator, through the use permit application, has indicated that they intend to maintain compliance with the 75 percent Napa Valley grape source requirement. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule (COA No. 4.6 – Attachment B).

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 D. The applicant intends to implement the following GHG reduction methods at the winery: alternative fuel or electric fleet vehicles; VMT reduction plan; solar hot water heating; energy conserving lighting; bicycle incentives; water efficient fixtures; energy star roof/living roof/cool roof; installation of water efficient fixtures; low-impact development (LID); water efficient landscape; recycle 75 percent of all waste; compost 75 percent of food and garden material; implement a sustainable purchasing and shipping program; electric vehicle charging station installation; site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site.

### **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. Decision making options also 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 30,000 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. Furthermore, sufficient water is available to implement the project, the applicant proposes to incorporate GHG reduction measures as part of the project, comply with the 75% grape sourcing requirement, and there will be no significant environmental impacts to the site.

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 the scope of the project via a reduced visitation and marketing program.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require a reduction in the requested 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 of the Viewshed application and 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 and exception 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 and Final Agency Approval Memos
- C . Initial Study/Negative Declaration
- D . Public Comments
- E . Use Permit Application Packet
- F . Water Availability Analysis & Regulated Water System Feasibility Study
- G . Wastewater Feasibility Study
- H . Traffic Impact Report
- I . Stormwater Control Plan
- J . Site Photographs
- K . Graphics
- L . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona