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A Commitment to Service

Agenda Date: 11/18/2020

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Trevor Hawkes, Planner III - 707-253-4388
SUBJECT: Sullivan Rutherford Estate - Use Permit Major Modification P19-00156

RECOMMENDATION

VITE GALLERON WINERY, LLC / SULLIVAN RUTHERFORD ESTATE / USE PERMIT MAJOR MODIFICATION NO. P19-00156-MOD

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. 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 Major Modification to an existing 22,500 gallon per year winery to allow the following: **A. Components Necessary to Remedy Existing Violations:** (1) Recognition of 45 visitors per day when seven (7) visitors per week by appointment only were permitted; (2) recognition of six (6) marketing events with a total of 100 people. The winery is not approved for marketing events; (3) recognition of hours of operations 8:00 am–5:00 pm (production), seven (7) days a week. The winery has operations approval for 8:00 am – 4:00 pm, five (5) days per week; (4) Recognition of 15 full-time employees and two (2) part-time employees. The winery has approval for two (2) full-time and three (3) part-time employees; and (5) recognition of 20 parking spaces. The winery was approved for eight (8) spaces. **B. Expansion Beyond Existing Entitlements:** (1) Renovate, modernize, and expand the existing 7,784 square foot winery facility to a 30,310 square foot winery facility with 24,050 square feet for production uses and 6,260 square feet for accessory uses; (2) construction of a new 16,428 square foot winery building; (3) removal of approximately 1.0 acres of vineyards for construction of a new winery building; (4) increase production capacity from 22,500 to 33,000 gallons/year; (5) allow a maximum of 300 visitors per week; (6) allow additional marketing events consisting of 12 small monthly events, maximum 25 people, between the hours of 11:00 am to 9:00 pm; (7) amend the on-site consumption of wine location in accordance with the Business and Professionals Code Sections 23390 and 23396.5, to add an area between the new winery building and on the deck of the new upper deck of the new winery building; (8) revise hours of operations to 10:00 am to 6:00 pm (visitation); (9) add five (5) full-time employees, modifying recognized employees from 15 full-time and 2 part-time to 20 full-time employees; (10) add a transient non-community water system with an upgraded well; (11) add a commercial kitchen for wine and food pairings and marketing events; (12) upgrade of wastewater disposal

system; (13) add eight (8) parking spaces for a total of 28 spaces; (14) revise circulation with construction of a new driveway; and (15) installation of approximately four (4) 10,000 gallon fire water tanks, one (1) 10,500 gallon domestic water tank, and one (1) 10,500 gallon irrigation water tank. The project is located on an approximately 26.17 acre site within the AP (Agricultural Preserve) zoning district with a General Plan land use designation of AR (Agricultural Resources) at 1090 Galleron Road, Rutherford, CA 94573; APN: 030-070-010.

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

Staff Contact: Trevor Hawkes, Planner III, (707) 253-4388 or trevor.hawkes@countyofnapa.org

Applicant Contact: Juan Pablo Torres Padilla, VITE Galleron Winery, LLC, PO Box 565, Rutherford, CA 94573, (707) 963-9646 or jptorres@pa-capital-management.com

Applicant's Representatives: Orla Regan Huq, Orla Studios; 150 Harbor Drive #1982, Sausalito, CA 94965; (415) 235-8664; orla@orlastudios.com.

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-5 in Attachment A;
2. Approve Use Permit Major Modification No. P19-00156-MOD based on recommended Findings 6-10 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. On March 29, 2019, Sullivan Winery submitted a Major Modification application under the Code Compliance Program to modify an existing winery Use Permit to recognize an existing marketing program, hours of operation, employment, and parking spaces which were not approved under the initial Use Permit or its subsequent modifications. The applicant also submitted a request for consideration of uses beyond existing entitlements which include: renovation and expansion of the existing winery facility, construction of a new winery building, an increase in wine production, establishment of additional marketing events, changing the location for onsite consumption of wine, revision of hours of operation for production and visitation, increasing onsite full-time employment, the addition of a commercial kitchen for the preparation of food for wine and food pairings and marketing events, upgrading the water and wastewater systems, additional parking spaces and the revision of internal circulation.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing entitlements and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Use Permit Major Modification Application requests recognition of existing visitation, the addition of a marketing program, hours of operation, employees, and parking spaces. Although not initially permitted at the existing levels under Use Permit #U-107879, or the subsequent modifications, these activities are already occurring at the subject site.

As described in Resolution No. 2018-164, the subject application was found to be substantially conforming prior to the submittal deadline of March 29, 2019 at 2:00 PM. Accordingly, the County may use the existing operations as

the environmental baseline for the CEQA analysis related to this application. The existing visitation level and marketing program is above the average and median calculations for maximum annual visitation and marketing programs of similar production capacity by appointment wineries.

Based on the reasons stated above, staff recommends approval of the project (the components necessary to remedy existing violations and the requested expansions beyond the existing entitlements), 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 proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Juan Pablo Torres Padilla, VITE Galleron Winery, LLC, PO Box 565, Rutherford, CA 94573, (707) 963-9646 or jptorres@pa-capital-management.com

Representatives: Orla Regan Huq, Orla Studios; 150 Harbor Drive #1982, Sausalito, CA 94965; (415) 235-8664; orla@orlastudios.com.

Zoning: Agricultural Preserve (AP) - District

GP Designation: Agricultural Resource (AR) designation

Filed: March 29, 2019; Resubmittal Received: September 25, 2019, July 2, 2020; Deemed Complete: August 14, 2020

Parcel Size: 26.17 acres

Existing Development: The site is currently developed with an existing 3,666 square foot winery building, outdoor crush pad and work areas, an existing agriculture building, an existing residence, a man made pond, winery-associated driveway and parking improvements and approximately 21.6 acres of planted vineyard.

Proposed and Existing Winery Characteristics

Winery Development Area - Approved: 19,733 square feet winery development area with uses identified above.

Winery Development Area - Proposed: 48,567 square feet.

Production Capacity Approved: 22,500 gallons per year.

Production Capacity Proposed: 33,000 gallons per year.

Winery Coverage Existing: 78,294 square feet or approximately 6.9%.

Winery Coverage Proposed: 108,960 square feet or approximately 9.6%. (Maximum 25% or approximately 15 acres permitted, whichever is less).

Winery Building Size Existing: 3,666 square feet (one (1) existing winery building)

Winery Building Size Proposed: 20,094 square feet (3,666 square feet - existing winery building; 16,428 square feet - new winery building)

Accessory/Production Ratio Existing: 1,481 square feet accessory/6,303 square feet production - approximately 19%.

Accessory/Production Ratio Proposed: 6,260 square feet accessory/24,050 square feet production - approximately 26%.

Number of Employees Approved: Five (5) employees; two (2) full time and three (3) part time.

Number of Employees Existing: 17 employees; 15 full time and two (2) part time.

Number of Employees Proposed: 20 employees; 20 full time and zero (0) part time.

Visitation - Approved: Seven (7) visitors maximum per week by appointment only.

Visitation - Existing: 45 visitors per day by appointment.

Visitation - Proposed: 45 visitors maximum per day, 300 visitors maximum per week. Food for wine pairings to be prepared in proposed new commercial kitchen.

Marketing Program - Approved: No approved marketing program

Marketing Program - Existing: six (6) events per year with a maximum 100 persons from the hours of 11 a.m. to 9 p.m.

Marketing Program - Proposed: six (6) events per year with a maximum 100 persons from the hours of 11 a.m. to 9 p.m. and one (1) event per month with a maximum 25 persons from the hours of 6:00 p.m. to 9:00 p.m. Commercial kitchen to be used to provide food service or supplement catering operations.

Days and Hours of Operation - Approved: No approved hours of operation

Days and Hours of Operation - Existing: 8:00 AM to 5:00 PM daily (production hours) and 10:00 AM to 6:00 PM daily (visitation hours).

Days and Hours of Operation - Proposed: 8:00 AM to 5:00 PM daily (production hours) and 10:00 AM to 6:00 PM daily (visitation hours).

Parking - Approved: 8 parking spaces.

Parking - Existing: 20 parking spaces.

Parking - Proposed: 28 parking spaces

Setbacks:

Required Road setbacks: 600 feet from the centerline of State Highway 29

Required Property line setbacks: 20 feet side and rear yard setbacks (for structures).

Existing Setbacks: The existing winery building is located approximately 1,675 feet from the centerline of State Highway 29, 300 feet from the rear property line, 295 feet from the southwestern side property line, and approximately 300 feet from the northeastern side property line.

Proposed Setbacks: Proposed setbacks for the winery facility with the proposed new construction included would be approximately 1,615 feet from the centerline of State Highway 29, approximately 300 feet from the rear property line (no change - existing building is closest to this property line), approximately 245 feet from the southwestern side property line, and approximately 290 feet from the northeastern side property line.

Building Height - Existing: Approximately 27 feet (existing winery building).

Building Height - Proposed: Approximately 32 feet at roof midpoint, 42 feet six (6) inches at the highest point.

Vineyard Acreage - Existing: 21.6

Vineyard Acreage - Proposed: 20.1

Adjacent General Plan Designation/ Zoning / Land Use:

North

General Plan Designation: Agricultural Resource (AR)

Zoning: Agricultural Preserve (AP)

Land use: Agricultural operations, vineyards and rural single-family residential

East

General Plan Designation: AR

Zoning: AP

Land use: Agricultural operations, vineyards and rural single-family residential

South

General Plan Designation: AR

Zoning: AP

Land use: Agricultural operations, vineyards and rural single-family residential

West

General Plan Designation: AR

Zoning: AP

Land use: Agricultural operations, vineyards and rural single-family residential

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

Please refer to Attachment I.

Permit History:

#U-107879 - Approved by Planning Commission on January 24, 1979, to establish a 22,500 gallon per year winery with the construction of a 5,000 ft² winery building; seven (7) visitors by appointment per week, two (2) full-time and three (3) part-time employees, eight (8) parking spaces, operating 5 days per week, 8:00 am to 4:00 pm.

#00147-MOD - Zoning Administrator action on March 23, 2001, to construct a 297 ft² loft for winery office use and enclose 597 ft² on the first level of the winery for general (non-winery) storage.

#03455-MOD - Administrative approval on December 5, 2003 for the construction of a 2,491 ft² concrete slab for a non-processing loading and unloading area.

#P09-00278-VMM - Zoning Administrator approval on July 20, 2009 to allow: 1) relocation of the existing winery entrance from the north side to the southeast side of the winery; 2) Creation of a new internal winery building corridor access; 3) Construction of a new, handicap-accessible restroom; 4) Conversion of the approved general storage area on the first floor of the winery to a 499 ft² tasting/retail room and reception area; 5) allow the outdoor concrete slab for wine production area use; and, 6) Modification of approved winery landscape and site plans to reflect these improvements and landscape enhancements.

#P14-00234-VMM - Administrative approval on August 18, 2014, to install a temporary cloth covering for the winery crush pad for upcoming and future harvests, with the intent to install a permanent structure in the future, and also picnicking in the designated area along with the ability to sell a bottle of wine for consumption, per AB 2004.

In 2018, VITE Galleron Winery, LLC purchased the property from the Sullivan Family and continued operation of the winery at their existing levels. After a review of the winery's facility and operation capacity, as well as, recognition that they were out of compliance with existing entitlements, the new ownership decided to take advantage of the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Board of Supervisors on December 4, 2018.

Code Compliance History:

A site inspection was conducted by Code Enforcement, Engineering, Planning, and Fire staff on May 1, 2019, to identify any potential health and safety issues, as well as, to review the existing use and proposed changes. As a follow-up to the site inspection, a notice regarding apparent code violations was issued to the property owner by the Code Enforcement Division on June 27, 2020. Apparent code violations include various Fire Code violations regarding fire extinguisher installation and servicing as well as the need to secure the fermenting tanks and catwalks consistent with the California Building Code. Building Permit BC20-00594 was opened on July 8, 2020, to secure the fermentation tanks and catwalks, inspected and approved by Building Division staff on August 14, 2020. All items noted in the apparent code violation notice of June 27, 2020 have been addressed at the time of the preparation of this staff report.

Discussion Points:

Setting - The 26.17 acre parcel is relatively flat and is currently developed with an existing winery building, outdoor crush pad and work areas, an existing agriculture building, an existing residence, a man made pond, winery-associated driveway and parking improvements and approximately 21.6 acres of planted vineyard. The existing winery is located approximately 450 feet to the southwest of the nearest neighboring residence.

Winery Proposal - This request seeks to recognize existing visitation levels, a marketing program, hours of operation, employees and parking spaces; all of which were not approved at the currently existing levels under the initial Use Permit for the subject site in 1979, or the subsequent modifications to the initial use permit. In addition to the changes requested to remedy existing violations, several expansions beyond the existing entitlements are requested including both physical and operational changes. The applicant requests approval to renovate and expand the existing winery facility, which would increase the square footage of both production and accessory uses on the subject site, approve the construction of a new 16,428 square foot winery building, a commercial kitchen, an upgrade of the wastewater disposal system, a renovation of their transient non-community water system, an increase in parking spaces and a new access driveway. Operational expansions include; an increase in production capacity, an increase in approved events under their marketing program, amending the locations for onsite consumption of wine, revision of the hours of operation, and an increase in employees.

Visitation/Marketing - As shown in the Winery Comparison Tables in Attachment I, the project's existing annual visitation for tours and tastings (16,425 visitors/year) requested for recognition is above the maximum annual visitation average and median values of similar production capacity (range 22,000 - 35,000 gallons) by appointment wineries and Pre-WDO wineries. The project's existing marketing program's annual visitation (600 visitors/year) is below the average marketing program annual visitation for by appointment wineries, but above the median marketing program annual visitation for by appointment wineries and above the average and median marketing program annual visitation for Pre-WDO wineries.

The proposed project does not request an increase in daily visitation levels for tours and tastings (45 visitors/day), which they have decreased since purchasing the property. However, under the proposed project annual visitation

does decrease for two reasons. The first reason is that the applicant proposes to cap visitation at 300 visitors/week. This cap would reduce weekly visitation by 15 visitors/week, and 782 visitors/year (when calculating weekly visitation to annual visitation a coefficient of 52.14 is utilized, which is the calendar days in a year divided by the days in a week). Second; the applicant proposes to close the winery to tours and tastings during their large marketing events (six (6) days/year at 100 visitors) which would reduce annual visitation by an additional 270 visitors/day. These two proposals reduce annual visitation by 1,053 visitors/year for an annual visitation level under the proposed project of 15,372 visitors/year. Despite this decrease in annual visitors for tours and tastings, the requested capacity would remain above the average and median values for annual visitors for by appointment wineries and Pre-WDO wineries of similar production capacity.

The applicant's existing marketing program includes six (6) annual events with a maximum capacity of 100 persons. In addition, the applicant seeks to modify the marketing program with the addition of one (1) event per month, for an annual total of 12 events, with a maximum capacity of 25 persons per event. This addition of one (1) monthly marketing event increases the marketing program annual visitation by 50% (existing - 600 visitors/year, proposed - 900 visitors/year), and is above the average and median values for by appointment and Pre-WDO wineries of similar production capacity.

Existing total visitation (tours and tasting and marketing program) for the project is 17,025 visitors/year. Under the proposed project total visitation would be 16,272 visitors/year, which would be higher than average and median total visitation for by appointment and Pre-WDO wineries of similar production capacity. Although the applicant's existing and proposed annual visitation and marketing program exceed wineries of similar production capacities staff is supportive of the request based upon the project's location on the valley floor, adjacency to a State Highway, and the ability of the project to maintain impacts on the environment to a less than significant level. Staff has provided a decision-making option below which would reduce the number of authorized daily tastings or the marketing program to more closely match the average and median of similar production capacity by appointment and Pre-WDO wineries.

Winery Exterior & Colors - The applicant requests approval to renovate and expand the existing winery facility, as well as a request to construct a new 16,428 square foot winery building for production and accessory purposes. Minimal exterior changes would occur to the existing winery building, which include new windows on the second floor and a new glass garage door. The building would maintain the existing stained wood siding and asphalt shingle roof. The existing winery building will be primarily shielded from views from Galleron Lane or Highway 29 by the proposed new winery building. The applicant proposes a two-story curved structure featuring elements such as visible painted steel columns, vertical wood on wood board for the inner wall and first story outer wall, a vegetated "green wall" on the second story outer wall, a wood trellis that extends from the roof line, and a standing seam metal roof that slopes towards the inner courtyard. The applicant's intention with the aesthetic choices is for the entire perimeter of the building to be either green wall, wood, or earth tone painted steel, which would comply with Standard Condition of Approval No. 6.5 which requires the use of earth tone colors to blend in with the surrounding area. No highly reflective surfaces are proposed.

Food Service – A commercial kitchen is proposed as part of the applicant's proposal. Food service will occur in connection with both tours and tastings made by prior appointment and for scheduled marketing events. Food service will not involve menu options, rather guests for tours and tastings will have their tastings accompanied by small bites intended to enhance the tasting experience. Marketing events will include food service more appropriate for lunch or dinner type events. Food service is planned for no additional charge except for cost recovery.

Traffic – W-Trans prepared a Traffic Impact Study for the Sullivan Rutherford Estate Winery Project on June 29, 2020. The project as proposed would generate a total of 97 trips on a weekday during harvest and 55 on a Saturday during harvest, with 26 trips occurring during the weekday evening peak hour and 17 trips occurring during the weekend peak hour. The report also studied operating conditions during the Friday and Saturday p.m.

peak period for the segment of SR 29 that provides access to the project site and the intersection of SR 29/Galleron Road. Scenarios included operational conditions for existing, near-term, and cumulative traffic with and without project traffic added. The intersection of SR 29 and Galleron Road is expected to operate acceptably at LOS A overall and LOS C on the stop-controlled side street approach under all scenarios evaluated. Likewise, the segment of SR 29 is currently operating at LOS E and is expected to continue operating at this level under all the scenarios evaluated. The additional traffic on SR 29 is expected to increase the percent of time spent following by 0.1 percent which is considered an acceptable change in operating conditions.

Senate Bill 743 established that by July 1, 2020, a Vehicle Miles Traveled (VMT) analysis metric is required to be applied when determining traffic impacts associated with development projects. Absent a County of Napa standard for determining VMT, W-Trans calculated the project's VMT by multiplying the estimated employee trips and average home-to-work trip distance for the Traffic Analysis Zone that the project resides in. The estimated project VMT was found to be 988 vehicle miles traveled. Without established VMT thresholds from the County of Napa, W-Trans estimated measures that could be implemented to reduce the project's VMT by 15%, which is the recommended percentage offered by the Governor's Office of Planning and Research to reduce a project's VMT to a less than significant impact. The report finds that the project applicant should implement a Transportation Demand Management plan which includes carpool or shuttle service for group events and the promotion of employee carpooling. The Department of Public Works has reviewed the report and accepted their findings, including a requirement for the applicant to submit a Final Transportation Demand Management Plan as a condition for project approval, as well as, a requirement for annual monitoring reports to be submitted to PBES and penalty requirements to ensure compliance (Condition of Approval 4.20.a)

Groundwater Availability - The project is categorized as being located within the Valley Floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year based upon current County Water Availability Analysis (WAA) policies. Based upon those criteria, the Allowable Water Allotment for the project site is 26.17 acre-feet per year (af/yr), determined by multiplying the 26.17 acre Valley floor site by a one AF/YR/acre fair share water use factor. According to the Tier I Water Availability Analysis for Sullivan Rutherford Estate prepared by Applied Civil Engineering on September 23, 2019 (Attachment E), the anticipated total overall water demand for the project site would be 19.6 AF/YR representing a 0.4 AF/YR decrease of the existing water demand of 20.0 AF/YR. The estimated proposed groundwater demand is below the water allotment for the parcel and thus would be sufficient to serve all uses on the property. Currently, there is only one well on the parcel to supply water to all existing water uses. The applicant proposes onsite employment (20) and a daily visitation maximum (45) for more than 60 days per year which requires implementation of a Transient Non-Community Public Water System. Furthermore the existing well does not have the required 50-foot-deep, 3 inch wide annular seal. A second report titled Transient Non-Community Water System Information report for Sullivan Rutherford Estate was prepared by Applied Civil Engineering on September 23, 2019 (Attachment F). The existing well would continue to supply water for vineyard and landscape irrigation, with a new proposed well supplying water for the winery and residence. Based on demand calculations from the WAA, the proposed winery and residence combined water use of 2.0 acre-feet per year equates to an average daily demand of approximately 1,785 gallons per day and a maximum daily demand of approximately 4,016 gallons. Assuming a pumping cycle of 12 hours per day the new well would need to be capable of producing 5.6 gallons per minute to meet the winery and residential demand, which the report concludes is feasible given the yield of the existing well (200 gpm). Therefore, project water use is expected to be well within the physical capabilities of the proposed Well.

Wastewater - Wastewater disposal would be accommodated on-site and in compliance with State and County regulations. According to the Onsite Wastewater Disposal Feasibility Report for Sullivan Rutherford Estate Winery Use Permit Modification prepared by Applied Civil Engineering on September 23, 2019 (Attachment G), the wastewater flows associated with the proposed project would exceed the capacity of the existing wastewater system. The report presented several options on how to handle the proposed increase rate of flow, including expanding the existing system, converting the existing system to a pressure distribution system or separating the sanitary wastewater and process wastewater and utilizing treated process wastewater in an irrigation system. The

Division of Environmental Health reviewed this report and concurred with its findings, and will review future changes to the winery's wastewater systems.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Greenhouse 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 included in this in Attachment D of this report. As discussed above, the applicant intends to implement the following measurable GHG reduction methods at the winery: alternative fuel and electrical vehicles in fleet, a Vehicle Miles Traveled reduction plan that includes employee incentives, employee carpool or vanpool, and bike riding incentives, energy conserving lighting, installation of water efficient fixtures, low-impact development, water efficient landscaping, recycling 75% of all waste, composting 75% of food and garden material, implementing a sustainable purchasing and shipping program, planting of shade trees within 40 feet of the south side of the building elevations, and electrical vehicle charging stations.

Grape Sourcing - The existing project site includes approximately 21.6 acres of vineyards. This acreage would be able to produce approximately 105 tons of grapes. Using a standard of 165 gallons of wine per ton, on-site vineyards would supply approximately 17,325 gallons. According to the applicant, while the current production capacity is not bound by Napa County's 75% grape source rule, the winery does utilize Napa grapes for 100% of its 22,500 gallon wine production maximum capacity.

The proposed project will remove approximately 1.5 acres of grapes to make way for the new winery building and additional access driveway, which will leave the project site with approximately 20.1 acres of on-site vineyards. Additionally, the applicant has stated that they have acquired an 11-acre property that is undergoing the early stages of permitting and development for vineyards. Combined with the proposed final acreage of on-site vineyards, the applicant would own approximately 31.1 acres of vineyards, which would be able to produce 151 tons of grapes, which could be converted to 25,000 gallons of wine. The applicant is requesting an increase in their wine production capacity, from 22,500 gallons to 33,000 gallons. This additional 10,500 gallons of wine will be subject to the county's 75% grape sourcing rule which, by estimate's provided above, the applicant has more than enough potential capacity from vineyards that they own.

Public Comments - At the time of staff report preparation three (3) letters in support of the project have been received. They are included in this Staff Report as Attachment K.

Pursuant to BOS Resolution No. 2018-164, (Staff has provided separate decision-making options for the components of the project necessary to remedy existing violations and the new expansions beyond existing entitlements.

Decision Making Options Regarding Remediating Existing Violations:

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations 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 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing visitation, marketing program, hours of operation, employment, and parking spaces. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, staff recommends recognition of the existing visitation and marketing program based upon the site's location on the Valley Floor, sufficient access, and availability of adequate water supplies.

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 Visitation and/or Marketing Program Alternative

Disposition - This option would require that the applicant reduce their existing maximum daily visitation numbers and/or the number of marketing events. As noted above, the existing visitation requested for recognition is above the annual visitation average and median values of by appointment and Pre-WDO wineries of similar production capacity. The marketing program requested for recognition is below the average marketing program visitation for by appointment wineries of similar capacity while above the median marketing program visitation for by appointment wineries of similar production capacity and above the average and median values of Pre-WDO wineries of similar capacity.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the maximum daily visitation and/or number of marketing events and required conditions of approval. The item will need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification, 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 modification 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.

Decision Making Options Regarding Expansions Beyond Existing Entitlements:

Staff recommends approval of the applicant's proposal as described in Option 1 below.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including the renovation and expansion of production and accessory uses of the winery facility, the construction of a new winery building, production capacity increase, expansion of marketing events, hours of operation, employment & parking spaces. Staff recommends this option as requested modifications comply with the County Code and General Plan. Although the requested intensification of annual maximum visitation, including marketing visitation, exceeds that of similar production capacity by appointment wineries, staff is supportive of the request based upon the project's location on the valley floor adjacent to a State Highway and the ability of the project to maintain environmental impacts to a less than significant level.

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 Production, Visitation and/or Marketing Program Proposal

Disposition – All potential environmental impacts have been found to be less than significant. Furthermore, County divisions and departments have reviewed the proposal and are in support of the request. However, this option provides the Planning Commission the ability to further reduce potential impacts by reducing the requested production increase, maximum annual visitation and/or marketing program (number of events). This could be accomplished by potentially reducing the production increase, maximum number of weekly visitors and/or eliminating several of the marketing events. If the Planning Commission elects to pursue this option, the recommended conditions of approval would need to be amended to reflect the revised 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 the reduction of the production, 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 a Use Permit major modification, 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 modification and Variance 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 . Previous Conditions of Approval
- D . CEQA Initial Study/Negative Declaration
- E . Use Permit Application Packet
- F . Water Availability Analysis
- G . Onsite Wastewater Disposal Feasibility
- H . Traffic Impact Study
- I . Winery Comparison Tables
- J . Graphics
- K . Public Comments

Napa County Planning Commission: Approve
Reviewed By: Brian Bordona