



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/6/2013

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for Peter Parkinson - Interim Director  
Planning, Building and Environmental Services

**REPORT BY:** RONALD GEE, PLANNER III - 707.253.4417

**SUBJECT:** L'ATTITUDE VINEYARDS, LLC c/o SILENUS VINTNERS / ROBERT WILLIAMSON - IDEOLOGY  
CELLARS WINERY USE PERMIT - USE PERMIT # P12-00440-UP

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### RECOMMENDATION

#### **L'ATTITUDE VINEYARDS, LLC c/o SILENUS VINTNERS / ROBERT WILLIAMSON - IDEOLOGY CELLARS WINERY USE PERMIT - USE PERMIT # P12-00440-UP**

**CEQA Status:** Consideration and possible adoption of a Categorical Exemption pursuant to Section 15303, Class 3, New Construction or Conversion of Small Structures and Section 303 of Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA). This 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 to establish a new winery that includes the following: 1) Annual wine production of 30,000 gallons/year; 2) Construct a winery building with 3,191 square feet barrel storage, 3,748 square feet covered crush pad and 1,584 square feet of accessory space; 3) Allow an approximately 2,962 square feet second-story single-family dwelling with a 635 square feet entry area and an 844 square feet garage below; 4) Allow daily, appointment-only tours and tastings with 15-people/day; 5) Allow a winery marketing plan with six annual 30-person events and one annual 60-person event; 6) Install a new process wastewater treatment system; 7) Allow days of operation from 6:00 AM-6:00 PM, daily, excluding marketing events; 8) Allow a maximum four employees; 9) Allow 12 on-site parking spaces; 10) Installation of an automatic gate with a winery identification sign at the Solano Avenue entrance; and 11) Allow on-site sale and consumption of wine pursuant to AB 2004 (Evans). The project is located on an approximately 10.09 acre parcel on the west side of Solano Avenue, approximately 0.14 mile (740 feet) south of the intersection with Darms Lane, within the AP (Agricultural Preserve) Zoning District, and addressed as 5151 Solano Avenue, Napa, CA 94558, Assessor's Parcel Number 034-190-040.

**Staff Recommendation:** Adopt the Categorical Exemption and approve the Use Permit Modification as conditioned.

**Staff Contact:** Ronald Gee, (707) 299-1351, [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org)

**Representative Contact:** Robert Williamson, (707) 225-4168

**EXECUTIVE SUMMARY****Proposed Actions :**

That the Planning Commission:

1. Adopt the Categorical Exemption, based on Finding 1 of Exhibit A; and
2. Approve Use Permit # P12-00440-UP based on Findings 2-6 of Exhibit A and subject to the recommended Conditions of Approval in Exhibit B.

**Discussion:**

The property's recorded Agricultural Preserve Contract # P09-00474 - Type A, allows "one single-family dwelling" and an "agricultural processing facility (including wineries)" on the 10.09 acre site.

The application would establish a new winery with annual production of 30,000 gallons/year and construction of a winery building with 3,191 square feet barrel storage, 3,748 square feet covered crush pad and 1,584 square feet of accessory space. On the second floor, an approximately 2,962 square feet single-family dwelling is proposed with a 635 square feet first floor entry area and 844 square feet garage. Visitation would include daily, appointment-only tours and tastings with 15-people/day. Hours of operation would take place between 6:00 AM-6:00 PM daily, excluding marketing events. The winery marketing plan includes six annual 30-person events and one annual 60-person event. There would be four employees maximum. The site plan includes 12 parking spaces, landscape screening and an automatic gate with a winery identification sign at the Solano Avenue entrance. A new process wastewater treatment system will be installed. On-site sale and consumption of wine pursuant to AB 2004 (Evans) is also requested.

No potentially significant environmental effects or cumulative impacts have been identified that will result from the project. A determination that the project is Categorically Exempt from the California Environmental Quality Act is recommended. Staff has no objections to this request and finds this project consistent with the Napa County Winery Definition Ordinance, other applicable provisions of the Zoning Ordinance and General Plan, subject to standard conditions of approval.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

Pursuant to CEQA Sections 15022 (a) (1) (C) and 15300.4 of the State CEQA Guidelines, Napa County has adopted Local Procedures for Implementing CEQA. Class 3 of Appendix B, (new construction or conversion of small structures) of the County's local procedures recognizes that construction and operation of small wineries that produce 30,000 gallons or less per year; will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; and, will hold no temporary events. As described above, the project will produce a maximum 30,000

gallons per year; will generate less than 29 vehicle trips per day and 5 peak hour trips except on those days with marketing events; will only hold six annual marketing events with no more than 30 attendees and one annual wine auction event with a maximum 100 attendees; and, will not hold any temporary events. Therefore, the project meets the applicable criteria.

Furthermore, Section 15300.2 of the California Environmental Quality Act, a Class 3 (Section 15303, New Construction or Conversion of Small Structures) exemption cannot be used if environmental sensitivities exist at the site or if there will be cumulative impacts. According to Napa County Resource Maps, the project site is located outside any potential sensitive habitat, agricultural, biological, forest or cultural resource areas. The property's recorded Agricultural Preserve Contract # P09-00474 – Type A specifically allows “one single-family dwelling” and an “agricultural processing facility (including wineries)” on the existing vineyard site. The proposed visitation, marketing and employee counts are minimal and do not create cumulative traffic impacts nor will they conflict with or obstruct implementation of any applicable air quality plan or create greenhouse gas emissions that exceed adopted Bay Area Air Quality Management District thresholds. As conditioned, all other Zoning Ordinance, Building and other applicable code requirements shall be met prior to issuance of any permits to implement the project. Therefore, these exemptions are appropriate and this proposal conforms to the Categorical Exemptions discussed above.

This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

## **BACKGROUND AND DISCUSSION**

**Owners:** L'Attitude Vineyards, LLC c/o Silenus Vintners

**Representative:** Robert Williamson, Ideology Cellars Winery, (707) 953-7703

**Zoning:** AP (Agricultural Preserve)

**General Plan Designation:** AR (Agricultural Resource), Napa County General Plan, 2008

**Initially Submitted:** December 31, 2012      **Determined Complete:** June 4, 2013

**Current Winery Size:** Vineyard only on-site

**Proposed Winery:** Approximately 8,523 sq. ft. facility consisting of 3,191, sq. ft. of barrel storage, 3,748 sq. ft. of production area and 1,584 sq. ft. of accessory use area.

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

**Visitation:** 15 private tours and tastings per day, by appointment only, with an average of 89 persons per week. The application includes a request to allow on-site bottle consumption consistent with AB 2004.

**Marketing:** Six annual marketing events with with a maximum 30 guests, between 11:00 AM - 11:00 PM, and one Auction Napa Valley/Premier Napa Valley/Other annual event with a maximum 60 guests between 11:00 AM - 11:00 PM.

**Number of Employees:** Four total

**Hours of Operation:** 6:00 AM - 6:00 PM, Monday to Sunday, excluding marketing events.

**Parking:** 12 total with 14 additional on-site spaces provided during marketing events on paved production areas.

**Adjacent Zoning / Land Use:**

North: AW/AP - 1.94 and 10 acres - Winery, Vineyard and Rural Residential (13 Darms Lane residential sites range from 0.3 acres - 1.98 acres in size)

South: AP - 10.85 and 40.23 acres - Vineyards and Rural Residential

East: AP - 40.91 and 41.11 acres - Winery and Vineyards

West: AP - 10, 40 and 46.2 acres - Winery, Vineyards and Rural Residential

**Nearby Wineries** (within one mile of the project site):

Burgess Napa Cellars - 1108 Deer Park Road - 70,000 gallons per year - tours and tasting by appointment  
Hillview Vineyard - Solano Avenue - 30,000 gallons per year - tours and tasting by appointment (not built)  
Silenus Vintners - 52251 Silverado Trail - 72,000 gallons per year - tours and tasting by appointment  
Shifflett Estate Winery - 1201 Darms Lane - 35,000 gallons per year - tours and tasting by appointment  
Laird Family Estates - 5055 Solano Avenue - 900,000 gallons per year - tours and tasting by appointment  
O'Brien Family Vineyards - 1200 Orchard Avenue - 20,000 gallons per year - tours and tasting by-appointment  
Simone Winery - 4581 Solano Avenue - 5,000 gallons per year - tours and tasting by-appointment  
Trefethen Vineyards - 1160 Oak Knoll Avenue - 500,000 gallons per year - public  
Christina Vineyards - 1300 Oak Knoll Avenue - 20,000 gallons per year - tours & tasting by appointment  
H & L Winery - Oak Knoll Avenue - 30,000 gallons per year - tours and tasting by appointment

**Property History:**

Lot Line Adjustment # 1631 realigned the project site and two adjacent properties to create three 10 acre lots.

Napa County Agricultural Preserve Contract # P09-00474 - Type A was recorded on August 3, 2010. The terms of the contract include restrictions on use of the property that specifically permit, "One single family home or one mobilehome for the entire subject property" and "Agricultural processing facilities, including, but not limited to, wineries . . ."

**Code Compliance History:**

The site consists of existing vineyards only. The property has no record of code compliance referrals.

**Discussion Point(s):**

1. Proposal - The current request would establish a new 30,000 gallons per year winery with a winery building consisting of 3,191 sq. ft. barrel storage, 3,748 sq. ft. covered crush pad and 1,584 sq. ft. of accessory space. A 2,962 sq. ft., three bedroom, three bath residence would be located on the second-story, including a 965 sq. ft. exterior deck. An approximately 635 sq. ft. residential entry area and an 844 sq. ft. garage would be located on the first floor.

The proposed winery building is a two-story, multiple, hip-roofed structure with three cupolas. It will have asphalt shingles on the roof with board-and-bat siding and stone veneer along the east side, facing the parking lot. The building's main entrance is on the south side, which will have a covered porch roof with decorative support

posts. The winery's tasting room, offices and restrooms are accessed from the south side. The lean-to, 965 sq. ft. barrel storage area is attached to the west side with a higher, flat-roofed, covered 3,302 sq. ft. production area continuing to the north side. The 2,671 sq. ft. barrel storage area is located in the center of the building, behind the front tasting room and office areas. The west- and north-side production and barrel storage areas will not be visible from Solano Avenue parcel frontage.

The new winery would operate daily from 6:00 AM-6:00 PM, excluding marketing events (see below). There would be two full-time and two part-time employees for a maximum total of four. The winery owner/manager would reside in the second-story, single-family dwelling.

The Water Availability Analysis indicates that the 10.09 acre valley floor-area site is allotted 10.09 acre/feet (af/yr) of annual water use. Existing water use at the vineyard-only site is 3.65 af/yr. Projected water use would be 4.85 af/yr for the winery, including domestic (consisting of residential, winery staff, visitation and marketing amounts), landscaping and vineyard irrigation, an amount well below the 10.09 af/yr allotment.

According to the attached Applied Civil Engineering, *Onsite Wastewater Disposal Feasibility Study for L'Attitude Vineyards/Ideology Cellars, 2/20/13* report, a "subsurface, drip type onsite wastewater disposal system that includes pre-treatment for both the winery process and sanitary wastewater (that) complies with Napa County pre-treated effluent standards" is recommended for the project. Septic tanks will be sized in accordance with the selected pre-treatment system. Full design calculations and construction plans will be prepared in accordance with Napa County standards prior to submittal of building permits for the application. Environmental Health Division staff recommends approval of these improvements.

2. Circulation - Based upon Napa County trip generation metrics, this project should account for 32 vehicle trips per day on a typical weekday with 18 daily trips on typical Saturdays. During a Crush Saturday, a total of 27 trips would be generated. The proposed 6 annual marketing events would have up to 30 guests and one annual marketing event with 60 people; at 2.8 persons per car that would add up to 38 trips at the smaller events and 59 additional trips on the day of a largest marketing event. The Department of Public Works – Traffic Engineering stated that existing traffic volumes along Solano Avenue are approximately 1,620 Average Daily Traffic (ADT). According to Napa County Road and Street Standards, traffic volumes that trigger the requirement for a left-turn pocket is approximately 95 ADT. The daily average 32 ADT anticipated for this project is below this threshold.

Both the Darms Lane/Solano Avenue and Oak Knoll Avenue/Solano Avenue intersections would be minimally affected by the project since traffic volumes would increase traffic at either intersection by an estimated 1% per day. There will be no residual individually or cumulatively significant traffic impacts associated with this project as regards traffic congestion and levels of service.

The Department of Public Works has reviewed this data and recommends approval of the project on the basis that the traffic volumes generated are below the 50 ADT threshold that would impact Solano Avenue and would not require construction of a northbound left-turn lane in accordance with the Napa County Roads and Streets Standards. According to Public Works Transportation Engineering staff, the project will have no net increase in existing traffic generation and there will be no project impacts that affect traffic congestion or levels of service. Standard conditions of approval require tours and tastings to be scheduled to minimize vehicles arriving or leaving during peak hour traffic, between 4:00 PM - 6:00 PM.

Adequate circulation and turnaround areas will be provided. Existing vineyard avenues will be improved to County Road and Street Standards as access driveways for the winery building and residence. There are adequate off-road turnaround areas between the winery and Solano Avenue. An automatic gate with winery identification and "Tours and Tasting by Prior Appointment Only" signs are proposed at the Solano Avenue entrance. The Napa County Fire Marshal has determined that adequate emergency vehicle access will be provided.

3. Parking - A total of 12 on-site parking spaces are proposed on the east side of the winery building. For use during large marketing events, up to 14 additional spaces to be located in winery production and loading areas are proposed. Additional spaces in vineyard avenues are also available, if needed. New parking areas and will be screened with new landscape improvements. The Division of Engineering Services has reviewed the winery's existing and proposed parking layout and recommends approval with standard conditions.

4. Visitation and Marketing - The application includes six annual marketing events with a maximum of 30 guests and one event with a maximum of 60 guests. Marketing events would take place in four-hour increments, depending upon day and evening scheduling. The proposal includes a request to allow on-site sale and consumption of wine pursuant to AB 2004 (Evans) in the area designated on the south side of the winery building next to the winery entrance.

Staff has provided a table below comparing marketing and tours and tastings visitation at other wineries with 30,000 gallons per year. Both the proposed visitation program and winery building size fall in the middle range amongst its peer group of wineries in this approved production capacity; for marketing events, the proposed 7 annual events are in the lower end.

Winery	Approved Production	Building Sq. Ft.	Tours & Tastings	Tours & Tasting Avg/Week	Marketing Events per year*
H & L Winery	30,000	4,496	Public	300	no data
Davis Estates	30,000	44,832	By Appointment	168	26
Consentino Winery	30,000	11,809	Public	350	0
Outpost Wines	30,000	9,155	By Appointment	6	5
Star Vineyards	30,000	2,800	By Appointment	20	0
Goose Cross Cellars	30,000	2,504	By Appointment	350	14
Cade Winery	30,000	25,960	By Appointment	75	15
Anthem Vineyards & Winery	30,000	2,000	None	5	0
Judd's Hill Winery	30,000	5,608	By Appointment	28	0
Toad Hall Cellars	30,000	9,360	None	0	no data
Fontanella Winery	30,000	4,800	By Appointment	10	9
Hourglass Winery	30,000	10,400	By Appointment	22	15
Hillview Vineyard	30,000	12,510	By Appointment	112	no data
<b>Ideology Cellars</b>	<b>30,000</b>	<b>8,523</b>	<b>By Appointment</b>	<b>85</b>	<b>7</b>

\* No Data Recorded - Attributed to Older Wineries with no marketing program proposed or approved

5. Greenhouse Gases/Climate Action Plan - 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 part of the application materials. The applicant proposes to incorporate GHG reduction methods including: 1) generation of on-site renewable energy; 2) using solar hot water heating; 3) planting shade trees within 40 feet of south side building elevations; 4) providing priority parking for and utilizing efficient transportation vehicles; 5) providing bicycle racks and an electrical vehicle charging station; 6) installing energy- and water-efficient fixtures; 7) utilizing a cool roof; 8) orienting and designing the winery/residence to optimize conditions for natural heating, cooling and day-lighting of interior spaces and to maximize winter sun exposure; 9) limiting the amount of grading and tree removal; 10) educating staff and visitors about sustainable practices; and 11) reducing vehicle miles traveled by eliminating commuting for the owner/manager who will live on-site.

GHG Emission reductions from local programs and project level actions, such as application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to reduce emissions. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan.

6. Grape Sourcing - Grape sourcing for the winery will be provided by existing Napa Valley vineyards in cooperation with L'Attitude Vineyards, LLC and Silenus Vintners and will comply with the 75% Napa Valley grape source requirement. According to the applicant, the on-site vineyard will provide approximately 12% of the proposed 30,000 gallons/year production. Staff has the ability to request TTB forms for production to ensure Use Permit production compliance and/or the need for a use permit modification for any increase in production.

#### **Consistency with Standards:**

Zoning - A winery (as defined in Napa County Code Section 18.08.640) and accessory uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in the AP (Agricultural Preserve) District with a use permit. This winery complies with the Winery Definition Ordinance. With proposed improvements, winery coverage would total 41,827 square feet or 9.5 % of the project site. With 1,584 square feet of winery accessory use area and 6,939 square feet of production area, the winery would have a 23% accessory to production use ratio, below the 40% maximum allowed.

Fire Marshal - The Fire Marshal recommends approval in the attached July 11, 2013 memo.

Environmental Health Division (EHD) - The EHD recommends approval with standard conditions. Please see the attached July 11, 2013 memo.

Public Works Department- Flood Control District - Flood Control District staff has determined the Phase 1 Water Availability Analysis Report to be adequate in the attached October 10, 2013 memo.

Engineering Services Division (ESD) - The ESD recommends approval with standard conditions that address water, parking, access road and other site improvements. Please see the attached October 11, 2013 memo.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Agency Comments
- D . CEQA Memorandum

E . Application Materials

F . Greenhouse Gas Reduction Measures

G . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell