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Agenda Date: 12/2/2015

Agenda Placement: 9A

## 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:** JASON HADE, PLANNER III - (707) 259-8757

**SUBJECT:** Tench Winery Use Permit P15-00001 and Viewshed Permit P15-00283

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### **RECOMMENDATION**

#### **TENCH WINERY- USE PERMIT NO. P15-00001-UP AND VIEWSHED NO. P15-00283-VIEW**

**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. Mitigation measures are proposed for the areas of biological resources, cultural resources, and geology and soils. 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 Viewshed Permit and Use Permit to allow: (1) Construction of a 42,840 gallon per year winery including a 6,779 square foot winery building, 303 square foot outdoor tasting area, 6,245 square foot underground barrel storage cave, and 15 parking spaces (14 standard and one ADA space); (2) Widening of the existing driveway to 20-feet and installation of a left-turn lane on Silverado Trail; (3) No more than 10 employees; (4) Installation of an in-ground wastewater treatment system, installation of three 12,000 gallon water tanks; (5) A visitation and marketing program of up to 14 daily visitors from November 1 to August 31, up to 10 daily visitors from September 1 to October 31, and three events per year for up to 50 guests; and (6) Onsite consumption of wines produced onsite and purchased from the winery in the outdoor patio area and indoor wine tasting area (break room) (AB2004 Business and Professions Code Section 23358, 23390, & 23396.5). The project is located on a 60.86 acre parcel within the Agriculture Preserve (AP) zoning district and accessed via a private driveway located off Silverado Trail; 7631 Silverado Trail, Napa, CA 94558; APN: 031-070-006.

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

**Staff Contact:** Jason R. Hade, AICP, (707) 299-8757 or [jason.hade@countyofnapa.org](mailto:jason.hade@countyofnapa.org)

**Applicant Contact:** Elizabeth Burks, LACO Associates, 21 W. 4th Street, Eureka, CA 95501 (707) 443-5054

**Property Owner Contact:** Brian Tench, Tench Family Vineyards, LLC, 7631 Silverado Trail, Napa, CA 94558 (707) 944-2352

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, based on Findings 1-7 of Exhibit B; and
2. Approve Viewshed Permit No. P15-00283-VIEW based on Findings 8-14 and Use Permit No. P15-00001-UP based on Findings 15-19 of Exhibit B and subject to the recommended conditions of approval (Exhibit C).

### **Discussion:**

This proposal is for the construction of a new 42,840 gallon per year winery with a visitation and marketing program to permit up to 14 daily visitors from November 1 to August 31, up to 10 daily visitors from September 1 to October 31, and three events per year for up to 50 guests.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. The proposed project has been significantly revised from the initial proposal in order to meet the 600-foot winery setback from Silverado Trail eliminating the need for a previously requested Variance application. This proposal also avoids grading on slopes in excess of 30 percent eliminating the need for a Conservation Regulation Exception and minimizing excessive grading. The current proposal also preserves more oak trees. Lastly, the project would incorporate ten Best Management Practices related to Greenhouse Gas reduction such as solar panels on the roof of the winery building, oak tree replanting, and installation of a cool or green roof. Based on the project's compliance with the development standards referenced above as well as a requested visitation and marketing program which falls below both the average and median visitation and marketing programs compared to wineries of similar production levels, Staff is recommending approval subject to the proposed conditions of approval.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

**Environmental Determination:** Mitigated Negative Declaration Prepared. 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 biological resources, cultural resources, and geology and soils. 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:** Brian Tench, Tench Family Vineyards, LLC, 7631 Silverado Trail, Napa, CA, 94558, (707) 944-2352

**Applicant:** Tench Winery, LLC, 7631 Silverado Trail, Napa, CA 94558, (646) 660-4200

**Representative:** Elizabeth Burks, LACO Associates, 21 W. 4th Street, Eureka, CA 95501, (707) 443-5054

**Zoning:** Agricultural Preserve (AP)

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

**Filed:** January 2, 2015

**Deemed Complete:** August 14, 2015

**Parcel Size:** 60.86 acres

**Existing Development:** Existing improvements at the project site includes a single-family residence, storage pond, driveway, and approximately 42 acres of vineyards.

#### **Proposed Winery Characteristics:**

**Winery Size:** 13,230 square feet comprised of a 6,779 square foot winery building, 6,245 underground barrel storage cave, and 303 square foot outdoor tasting area.

**Production Capacity:** 42,840 gallons per year.

**Development Area:** 7,178 square feet or 0.16 acres.

**Winery Coverage:** 38,844 square feet or approximately 1.5% (Maximum 25% or approximately 15 acres).

**Accessory/Production Ratio:** 1,240 square feet accessory/11,979 square feet production - approximately 10% (Maximum 40% permitted).

**Number of Employees:** 6 full-time employees and 4 part-time employees; 10 employees maximum.

**Visitation:** Maximum 14 visitors per day November 1 to August 31 and 10 visitors per day September 1 to October 31.

**Visitation - Proposed: Marketing Program:** Three events per year with up to 50 guests per event.

**Days and Hours of Operation:** 7 AM to 5 PM daily (Production hours) and 10 am to 4 PM daily (Visitation hours). 10 AM to 10 PM (events).

**Parking:** 15 parking spaces (14 standard spaces and one ADA space).

**Setbacks (Required):** 600 feet from Silverado Trail (front yard setback) and 20 feet from all other property lines.

**Setbacks (Proposed winery building):** The proposed winery building would have approximate side yard setbacks of 180 feet and 580 feet, a front yard setback of 600 feet, and a rear yard setback of 1,300 feet.

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

North: Agriculture, Watershed and Open Space (AWOS) /Agricultural Watershed Zoning (AW)/Agricultural use (vineyards) and large lot residential.

South: Agricultural Resource (AR) and Agriculture, Watershed and Open Space (AWOS)/Agricultural Preserve Zoning (AP), Agricultural use (vineyards) and large lot residential.

East: Agriculture, Watershed and Open Space (AWOS)/Agriculture Watershed (AW)/Agriculture (vineyards)

West: Agricultural Resource (AR)/Agriculture Preserve (AP)/Agricultural use (vineyards) and large lot residential.

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

Please refer to Exhibit A.

**Parcel History:**

The Tench family purchased the property in 1965. The site is currently occupied by a single-family residence constructed near the base of a hillside bisected by the northern property line. Approximately 42 acres of vineyards surround the residence and undeveloped hillside which have been in production since the early 1970's.

**Code Compliance History**

None. There are no open or pending code violations for the project site.

**Discussion Points**

Setting - The project site features an oak tree covered knoll located along the northwestern property line. On-site vegetation includes 492 trees which are over six inches at diameter breast height. The majority of the 492 trees are oak trees. Existing improvements at the project site include a single-family residence, storage pond, driveway, and approximately 42 acres of vineyards. Surrounding land uses consist of large lot residential development and agricultural vineyards. The closest residence to the proposed winery structure would be approximately 715 feet. No existing vineyards would be removed as part of this proposal.

Project Summary - The proposal includes the following components: (1) Construction of a 42,840 gallon per year winery including a 6,779 square foot winery building, 303 square foot outdoor tasting area, 6,245 square foot underground barrel storage cave, and 15 parking spaces (14 standard and one ADA space); (2) Widening of the existing driveway to 20-feet and installation of a left-turn lane on Silverado Trail; (3) No more than 10 employees; (4) Installation of an in-ground wastewater treatment system, installation of three 12,000 gallon water tanks; (5) A visitation and marketing program of up to 14 daily visitors from November 1 to August 31, up to 10 daily visitors from September 1 to October 31, and three events per year for up to 50 guests; and (6) Onsite consumption of

wines produced onsite and purchased from the winery in the outdoor patio area and indoor tasting area (break room) (AB2004 Business and Professions Code Section 23358, 23390, & 23396.5).

No Variance is requested as the project would meet the required minimum winery setbacks.

Vegetation Removal/Restoration Plan - According to the project plans, approximately 0.78 acres of oak woodland would be disturbed as part of the project resulting in the removal of 51 to 69 Coast Live Oak and Blue Oak trees. None of the identified oak species to be removed are currently considered sensitive, of special status or limited distribution. A certified arborist evaluated the health of the existing oak trees on the hillside and found decay, poor trunk structure, and dieback in almost all of the trees (Tree Evaluation Tench Winery Project July, 2015). The arborist report concluded that if left alone without the benefit of replanting, these trees would likely die within 20 years. Approximately 2.24 acres of existing oak woodland on the hillside would not be disturbed by the proposed project. As shown on the project's Oak Replacement and Preservation Plan, the project would include 0.60 acres of new planting area, 0.30 acres of oak preservation area, and a 0.33 acre replanting area over the proposed wine cave consistent with General Plan Policy CON-24(c) which requires the provision of replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Preservation of all onsite oak trees was found to be infeasible as doing so would require excessive vineyard removal as well as the retention of trees in poor health. The implementation of mitigation measures BIO-2 and BIO-3 would reduce potentially significant impacts to a level of less than significant.

Viewshed - The project site is subject to *Napa County Zoning Ordinance*, Chapter 18.106 (*Viewshed Protection Ordinance*) because Silverado Trail is identified as a designated public road in the *Napa County General Plan*. As proposed, the project has been designed in substantial conformance with the County's viewshed protection manual because it would avoid grading on slopes in excess of 30 percent and would be located more than 25-feet below the minor ridgeline. As shown in the submitted viewshed analysis, the proposed winery would be partially visible to southbound travelers along Silverado Trail and visible to northbound travelers. However, the majority of the facility would be screened by retaining the existing vegetation which consists of 492 trees over six inches at diameter breast height on the hillside where the winery is proposed. Approximately 86 to 90 percent of these trees are slated for preservation. As shown on the preliminary landscape plan, oak tree replanting would occur over the proposed cave and to the west of the existing single-family residence. Impacts would be less than significant based upon the project's conformance with the County's viewshed protection manual. As discussed above, mitigation measures (BIO-2 and BIO-3) would be implemented which require the submittal of a final tree removal plan for Staff review and approval prior to the issuance of a grading permit as well as oak tree replanting. The Oak Replacement and Preservation Plan is to include the planting of 2 times the number of oak trees removed within an approximately 26,347 square foot area on the western hillside that is currently non-native grassland, on top of the caves and any other appropriate location on the property as determined in consultation with a certified arborist with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.

Visitation and Marketing - The applicant is proposing a maximum of 14 visitors per day November 1 through August 31 and no more than 10 visitors per day September 1 through October 31. Three events to be attended by no more than 50 persons are also requested on an annual basis. As shown in the winery comparison chart (Exhibit A), the requested visitation of 5,096 guests per year and 150 guests per for year for marketing events falls below the average and median visitation and marketing programs compared to wineries of similar production levels.

Traffic - The project site is located on the west side of Silverado Trail, approximately 0.25 miles south of its intersection with Oakville Cross Road. Silverado Trail is a regional route that runs parallel to State Route 29/128 on the east side of the Napa Valley and becomes State Route 128 near Rutherford. It serves as a connector between the City of Calistoga and the cities of St. Helena, Yountville, and Napa. Silverado Trail in the project vicinity has two

paved 12-foot wide travel lanes and wide paved shoulders that are used as Class II bicycle lanes. Oakville Cross Road is a rural collector route (two lanes) and runs east-west connecting State Route 29 to Silverado Trail. It also serves as a Class III bicycle route. As stated in the CEQA document prepared for the project, the traffic study found that the proposed project would generate an average of 32 new daily trips, 10 during the weekday PM peak hour (3:30 PM to 4:30 PM) and 9 during the weekend peak hour (3:45 PM to 4:45 PM). Pending and approved projects within the project vicinity would generate an average of 1,177 trips during the weekday including 291 trips during the PM peak hour. These projects are expected to generate 1,227 trips on a Saturday or Sunday, including 430 trips during the weekend peak hour. According to the study, project trips would represent a less than 0.30 increase in the daily traffic volumes on Silverado Trail. The two study intersections are anticipated to operate at an acceptable level of service A during weekday PM and weekend peak hours under all study scenarios. Therefore, the project would have a less than significant impact on the study intersections and Silverado Trail. Additionally, a project specific condition would ensure that all visitation and marketing events be scheduled outside peak weekend (3:45 PM to 4:45 PM) and weekday (3:30 PM to 4:30 PM) traffic hours.

Cumulative operating conditions were determined with trips generated by eight other approved projects within the vicinity of the project site added to existing volumes. A list of the approved projects is included within the Transpedia Consulting Engineers (TCE) study and incorporated here by reference. Net traffic trips anticipated to be generated by the proposed project were added to the cumulative traffic scenario. Under the TCE study's cumulative plus project scenario, the study intersections would continue to operate at an acceptable level of service during weekday PM and weekend peak hours.

The need for a left turn lane on Silverado Trail at the project driveway was evaluated as part of the project's traffic study based on the criteria contained in the *Napa County Road and Street Standards, 2011*. Based on the proposal's traffic levels, a left turn lane would be warranted at the driveway serving the project site. As such, the Engineering Services Division has conditioned the project to require the installation of a left-turn lane on Silverado Trail consistent with the Road & County's Street Standards. The onsite circulation pattern was also reviewed as part of the traffic study and found to be adequate for the proposed use.

Groundwater Availability - An onsite water well with a capacity of 175 gallons per minute based upon PG & E records and pump data from Oakville Pump, Incorporate currently provides water for vineyard irrigation and would serve as the water source for the proposed winery. A second shallow lower yield onsite well is also available and would continue to provide domestic water and landscape water to the existing single-family residence at the project site (Updated Water Availability Analysis Proposed Tench Winery, 2015). 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 policies. Based upon those criteria, the Allowable Water Allotment for the project site is 60.8 acre-feet per year (af/yr), determined by multiplying the 60.8 acre Agricultural Preserve zoned site by a one af/yr/acre fair share water use factor. According to the Updated Water Availability Analysis prepared by LACO Associates for the proposed project, the total water demand on the parcel from the existing vineyard and associated improvements is 32.34 af/year and would increase to 33.47 af/year with development of the proposed winery. Sufficient groundwater resources are available to serve the projected needs of the proposed project.

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 Exhibit I. The project would incorporate the following voluntary best management practices: solar panels on the roof of the winery building; oak tree planting, exceedance of Title 24 energy efficiency standards; priority parking for efficient transportation vehicles; solar hot water heating; installation of a cool or green roof; installation of water efficient fixtures; water efficient landscaping; and minimizing the amount of grading and tree removal by using the natural contours of the site. The project also intends to become a certified Napa Green Winery.

GHG Emission reductions from local programs and project level actions, such as the application of 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.

Grape Sourcing - One hundred percent of the grapes needed to produce the 42,840 gallons of proposed production would come from the Oakville appellation. Grapes from the subject property would account for up to 66 percent of maximum production while grapes from the Saunders Vineyard in Oakville, owned by Tench Winery partner and winemaker Russell Bevan, would account for up to 28 percent of maximum production. Multiple year grape contracts with local vintners such as Harbison Vineyards and Two Dogs Knoll Vineyard would comprise the balance of grapes needed for maximum proposed production.

Public Comments - A public comment letter (Exhibit G) was received from a neighboring property owner on March 5, 2015 which expressed concerns regarding the proposed on-site sewage system, traffic safety, and production lighting and noise. These issues are addressed within the project's CEQA document and recommended conditions of approval, as appropriate. The applicant also prepared a response to the public comments which is included in this report at Exhibit H.

### **Consistency with Standards**

Public Works Department - Recommends approval with standard conditions in the attached Memorandum dated May 21, 2015.

Engineering Services Division - Recommends approval with standard conditions in the attached Memorandum dated August 10, 2015.

Fire Department - Recommends approval with standard conditions in the attached Memorandum dated September 23, 2015.

Environmental Health Division - Recommends approval with standard conditions in the attached Memorandum dated October 21, 2015.

### **Decision Making Options**

As noted in the Executive Summary Section above, staff is recommending approval of the project with conditions of approvals as described in Option 1 below. Decision making options also include a reduced visitation/marketing alternative and no project alternative.

#### Option 1 – Approve Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 42,840 gallon per year winery and associated visitation and marketing program.

Action Required - Follow 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, where were found to be less than significant with the implementation of mitigation measures. The subject site can accommodate the proposal without the need for a variance while minimizing grading and oak tree removal. Sufficient grapes and water supplies are available to serve the proposed project and there is no history of code compliance issues at the project site. The requested number of guests per year for

visitation and per year for marketing events falls below the average and median visitation and marketing programs compared to wineries of similar production levels. Moreover, the project meets all County Code requirements and complies with General Plan policies. Staff supports this option based on the reasons discussed above.

#### Option 2 – Reduced Visitation/Marketing Alternative

Disposition - This option could result in a potential decrease in the proposed visitation and marketing program events.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the permitted visitation and marketing program events. 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, 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 is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

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 specified date.

#### Option 4 –Continuance Option

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

### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Tench Winery Comparison Charts
- B . Exhibit B - Findings
- C . Exhibit C - Recommended Conditions of Approval
- D . Reviewing Agency Comments
- E . Initial Study/Mitigated Negative Declaration
- F . Mitigation Monitoring and Reporting Program
- G . Public Comments
- H . Applicant's Response to Public Comments
- I . P15-00001-UP Application Packet
- J . P15-00283-VIEW - Application Packet
- K . Wastewater Feasibility Study
- L . Water Availability Analysis
- M . Rare Plant and Supplemental Biological Survey



N . Stormwater Control Plan

O . Traffic Study

P . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell