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A Commitment to Service

Agenda Date: 2/17/2021

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

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

REPORT BY: Dana Ayers, Consultant - 925-688-2490

SUBJECT: Dakota Shy Winery, Use Permit Major Modification P19-00131-MOD and Request for an Exception to the Napa County Road & Street Standards

RECOMMENDATION

DS PROPERTY, LLC / DAKOTA SHY WINERY / USE PERMIT MAJOR MODIFICATION APPLICATION NO. P19-00131-MOD AND REQUEST FOR AN EXCEPTION TO NAPA COUNTY ROAD AND STREET STANDARDS

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 the current winery entitlements authorized by the approvals of Use Permit Application No. P14-00335 and Use Permit Minor Modification Application No. P16-00414. The requested modifications consist of operational changes to the winery that include: 1) increase in permitted wine production from 14,000 gallons of wine per year to 20,000 gallons of wine per year; 2) increase in the number of permitted tours and tastings visitors, from 20 guests per day by appointment with a weekly maximum of 112 guests, to as many as 48 guests per day by appointment with a weekly maximum of 250 guests; and 3) addition of one annual wine marketing event for up to 125 people. The applicant's proposal includes a request to the County Engineer for a public road exception to the common driveway width, gate clearance and inside radius requirements of Sections 13 and 15 of the Napa County Road and Street Standards (RSS).

Staff Recommendation: Adopt the Negative Declaration prepared for the project and approve the exception to the County's RSS and Use Permit Major Modification Application No. P19-00131-MOD, as conditioned.

Staff Contact: Dana Ayers, Consultant Planner, phone number (925) 688-2490, email address dayers@trccompanies.com; Charlene Gallina, Supervising Planner, phone number (707) 299-1355, email address Charlene.Gallina@countyofnapa.org

Applicant: Tom Garrett, Dakota Shy Winery; phone number (707) 799-1220, email address tom@dakotashywine.com

Applicant Representative: Donna Oldford, Plans4Wine; phone number (707) 963-5832, email address dboldford@aol.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration prepared for the project, based on the recommended Findings 1-7 in Attachment A;
2. Approve the request for exception to the Napa County Road and Street Standards, based on the recommended Findings 8 and 9 in Attachment A; and
3. Approve Use Permit Major Modification Application No. P19-00131-MOD, based on recommended Findings 10-14 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B.

Discussion:

On June 15, 1988, the Napa County Conservation, Development and Planning Commission approved Use Permit Application No. 298788 authorizing operation of a winery on the property at 771 Sage Canyon Road, with production limited to 1,000 gallons of wine per year and private tours and tastings by appointment, but without a specified limit on the number of tours and tastings visitors. That approval was superseded on January 20, 2016, when the Napa County Planning Commission approved Use Permit Application No. P14-00335 and Variance Application No. P14-00336, allowing construction of an approximately 6,100 square foot winery building and operation of winery within it. Winery operations were limited to production of up to 14,000 gallons of wine per year, up to 20 tours and tastings visitors per day by appointment (weekly maximum of 112 visitors), and a wine marketing program consisting of up to two, 40-person events per year. The Variance application approved with the project allowed the winery buildings to encroach 502 feet into the minimum 600-foot building setback from Silverado Trail that is required for wineries in agricultural zoning districts. Subsequent amendment to Use Permit No. P14-00335 under Minor Modification Application No. P16-00414-MM increased the allowable area of the winery building.

Currently, the winery operates within approximately 8,900 square feet of winery buildings and utility structures (including barrel storage, office spaces, equipment sheds, etc.) and has an approximately 2,400 square foot, outdoor, uncovered event pad. The winery operator is requesting modifications to the prior entitlements to allow permitted wine production to be up to 20,000 gallons of wine per year; winery tours and tastings to increase to an allowance of up to 48 visitors per day (weekly maximum of 250 visitors); and the winery marketing event program to include one additional event per year for up to 125 guests. The applicant's proposal includes a request to the County Engineer for a road exception to the common driveway width, gate clearance and inside radius requirements of Sections 13 and 15 of the Napa County Road and Street Standards.

Staff believes that the necessary findings for the project can be made and recommends approval of the Use Permit Major Modification request and request for exception to the Napa County Road and Street Standards.

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 (ND). According to the ND, the project would not have any potentially significant environmental impacts. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Tom Garrett, Dakota Shy Winery; 771 Sage Canyon Road, St. Helena; phone number (707) 799-1220; email address tom@dakotashywine.com

Applicant Representative: Donna Oldford, Plans4Wine; 2620 Pinot Way, St. Helena; phone number (707) 963-5832; email address dboldford@aol.com

Zoning: AW (Agricultural Watershed) District

General Plan Land Use Designation: Agriculture, Watershed and Open Space (AWOS)

Application Filed: March 28, 2019; **Resubmittals Received:** May 13, 2019; **Application Deemed Complete:** January 14, 2021

Parcel Size: 6 acres; the property was authorized and developed prior to the adoption of the Winery Definition Ordinance (WDO) regulations in 1990, which established a 10-acre minimum lot size

Existing Development

Vineyard Acreage (Existing): None

Vineyard Acreage (Proposed): None

Winery Characteristics

Winery Size (Approved): +/- 8,900 square feet in winery buildings including utility structures (storage, trash enclosure, equipment shed), +/- 2,400 square foot uncovered event pad

Winery Size (Existing): Same as approved

Winery Size (Proposed): No change from existing

Accessory to Production Ratio (Approved): 19 percent (+/- 7,500 square feet winery production or storage area, +/- 1,400 square feet winery accessory floor area inclusive of half of storage building)

Accessory to Production Ratio (Existing): 12 percent (+/- 7,920 square feet winery production or storage area inclusive of entirety of storage building, +/-970 square feet winery accessory)

Accessory to Production Ratio (Proposed): No change from existing

Production Capacity (Approved): 14,000 gallons per year; County authorization in 2016 required all wine produced on-site to be subject to the 75% grape sourcing requirement

Production Capacity (Existing): 19,400 gallons in 2018; three-year average 13,696 gallons per year

Production Capacity (Proposed): 20,000 gallons per year

Winery Coverage (Approved): +/- 62,900 square feet or 1.44 acres (excluding detention basins); maximum 25 percent of lot area, or 1.5 acres, permitted

Winery Coverage (Existing): Same as approved

Winery Coverage (Proposed): No change from existing

Number of Winery Employees (Approved): 10 or fewer

Number of Winery Employees (Existing): 8

Number of Winery Employees (Proposed): No change from approved

Tours & Tastings Visitors (Approved): By appointment, up to 20 visitors per day, with a weekly maximum of 112 visitors

Tours & Tastings Visitors (Existing): Same as approved

Tours & Tastings Visitors (Proposed): By appointment, up to 48 visitors per day, with a weekly maximum of 250 visitors

Marketing Program (Approved): Two events per year for up to 40 guests per event

Marketing Program (Existing): Same as approved

Marketing Program (Proposed): Two events per year for up to 40 guests per event, plus one event per year for up to 125 guests

Wine Production Days & Hours of Operation (Approved, excluding harvest): Daily, 6:00 a.m. to 6:00 p.m.

Wine Production Days & Hours of Operation (Existing, excluding harvest): Same as approved

Wine Production Days & Hours of Operation (Proposed, excluding harvest): No change from existing

Hospitality Days & Hours of Operation (Approved): Daily, 10:00 a.m. to 6:00 p.m.

Hospitality Days & Hours of Operation (Existing): Same as approved

Hospitality Days & Hours of Operation (Proposed): No change from existing

Parking (Approved): 10 standard stalls; one (1) accessible stall (11 total)

Parking (Existing): Same as approved

Parking (Proposed): No change from existing

Minimum Setbacks (Required): 20 feet from interior side property lines, 600 feet from centerline of Sage Canyon Road/State Route 128 and Silverado Trail to winery building, 90 feet from centerline of Silverado Trail for non-winery structures (20-foot encroachment allowed for detached accessory structures per Napa County Code Section 18.104.140)

Setbacks (Approved): 31 feet from interior side property line to water tank, 625 feet from centerline of Sage Canyon Road/State Route 128 to winery building, 98 feet from centerline of Silverado Trail to winery building (allowed by Variance No. P14-00336), and 70 feet from centerline of Silverado Trail to trash enclosure

Setbacks (Existing): Same as approved

Setbacks (Proposed): No change from existing

Adjacent General Plan Designations/Zoning/Land Use:

The property is located on the east side of the Napa Valley, southeast of the city of St. Helena and northeast of the unincorporated Rutherford area. The project site sits south of Conn Creek and north of the Silverado Trail right-of-way. The property is predominantly flat and developed with winery buildings. An olive tree grove and a single-family residence with accessory dwelling are also on the property and are permitted uses that are outside the scope of the winery Use Permit and the above-described Use Permit Major Modification request. Surrounding the site are large and comparably smaller parcels, some of which also include residential and agricultural development.

North: The right-of-way of Sage Canyon Road/State Route 128 is immediately north of the project site. Further north, on the opposite side of the road, is Conn Creek and an approximately 30-acre parcel that is largely undeveloped except for a single-family residence and landscaped grounds. An approximately 10-acre, undeveloped parcel is also north of and on the opposite side of Sage Canyon Road from the project site. Both the 30-acre and 10-acre parcels are zoned AW District and have AWOS General Plan land use designation.

West: The western property line of the site adjoins an approximately 8-acre parcel developed with a single-family residence and planted in vineyards. A similar small, 4.7-acre property is further to the west and is also developed with a single-family residence and vineyards. The 8-acre and 4.7-acre parcel are separated from each other by the Sage Canyon Road/State Route 128 right-of-way. Both parcels are zoned AW District and have AWOS General Plan land use designation.

South: The southern property line of the site adjoins the Silverado Trail right-of-way. Further south of Silverado Trail is a large, approximately 74-acre parcel planted entirely in vineyards. The parcel to the south of the site is zoned AP (Agricultural Preserve) District and has a General Plan land use designation of Agricultural Resource (AR).

East: Another large, over 95-acre parcel is immediately east of the project site. That parcel is partially planted in vineyards but is largely undeveloped. The parcel is zoned AW District and has AWOS General Plan land use designation.

Wineries within 1 Mile of Project Site:

Other wineries currently operating in proximity to the Dakota Shy Winery property include the Rutherford Ranch Winery roughly one-quarter mile to the northwest, and Conn Creek Winery less than one-quarter mile to the west, across Silverado Trail. For a listing of all wineries located within 1 mile of the project site, refer to Attachment K.

Parcel History:

The property at 771 Sage Canyon Road is currently developed with a single-family residence with secondary dwelling, and a winery. Approximately 0.75 acre on the property is planted with olive trees. Historic aerial photographs indicate that the property has had residential and agricultural (orchard) uses since as early as the mid-twentieth century.

On June 15, 1988, the Napa County Conservation, Development and Planning Commission approved Use Permit Application No. 298788 authorizing operation of a winery on the property. Production of the winery was limited to 1,000 gallons of wine per year, with no public tours and tastings or other activities permitted to occur outside of a building. Private tours and tastings by appointment were allowed, though the use permit did not specify a limit on the number of tours and tastings guests. Retail sales were limited to sale of wine to guests of private tours and tastings. The property was authorized and developed prior to the adoption of the WDO regulations which established the 600-foot and 300-foot road setbacks, as well as, the 10-acre minimum lot size, for wineries in the unincorporated area.

On January 20, 2016, the Napa County Planning Commission approved Use Permit Application No. P14-00335 and Variance Application No. P14-00336. That approval superseded the approval of Use Permit 298788 and allowed operation of the winery on the premises with an increased production capacity of 14,000 gallons of wine per year. All wine to be produced at the winery was to be subject to the "75 percent rule" that requires at least 75 percent of grapes used to make the winery's wine to be grown in Napa County (Condition of Approval 5.0 and Napa County Code Subsection 18.104.250.B). Daily tours and tastings by appointment were permitted for up to 20 guests per day, with a weekly maximum of 112 guests. The Use Permit approval also authorized a wine marketing event program consisting of two events per year, with up to 40 guests per event. Physical changes to the site that were approved with the Use Permit included construction of a new wine production building (+/-6,100 square feet) that also housed a new tasting room (+/- 400 square feet); installation of an uncovered event pad (+/- 2,400 square feet); conversion of an existing garage (+/- 1,600 square feet) to winery storage; paving of a one-way loop access road providing access to and from Sage Canyon Road/State Route 128; and installation of up to 14 vehicle parking spaces, plus utilities infrastructure in support of the winery operation. The Variance application approved with the project allowed the winery buildings to encroach 502 feet into the Silverado Trail setback of 600 feet required pursuant to Napa County Code Section 18.104.230.

On January 10, 2017, Napa County Planning staff on behalf of the Zoning Administrator approved Use Permit Minor Modification Application No. P16-00414-MM. That approval: 1) increased approved winery accessory floor area by approximately 270 square feet (additional 184 square feet in a first floor and new second floor office plus additional 83 feet of tasting area); 2) increased winery production floor area from approximately 4,900 to 5,615 square feet; and 3) reduced the number of on-site standard parking stalls from 14 to 10 to accommodate priority parking for carpool/electric vehicles and a universal van accessible stall.

On August 10, 2017, the Napa County Zoning Administrator approved Variance Application No. P17-00170-VA allowing the construction of water tanks to encroach 20 feet into the 90-foot road and yard setbacks from the centerline of Silverado Trail as required by Napa County Code Sections 18.104.010 and 18.112.040. One of two 5,000-gallon domestic water tanks was subsequently installed on the property in accordance with this variance approval. (Another, 61,000-gallon tank for storage of water for fire suppression was installed outside of the road and yard setback and not subject to a variance.)

Currently, the winery operates within approximately 8,900 square feet of winery buildings and utility structures (including barrel storage, office spaces, equipment sheds, etc.) and has an approximately 2,400 square foot outdoor, uncovered event pad. Tours and tastings occur in compliance with current entitlements allowing up to 20 visitors a day and 112 visitors per week, in a 480-square foot tasting room inside the winery building. The winery hosts two wine marketing events per year for up to 40 guests per event and provides valet parking in informal (unstriped) parking areas near the winery storage building and on-site stormwater detention basin. The winery employs up to 10 people, with wine production hours of operation occurring daily between 6:00 a.m. and 6:00 p.m., and wine tours and tastings occurring daily between 10:00

a.m. and 6:00 p.m.

Code Compliance History:

There are no active code violations at this project site.

Discussion Points:

Setting - The property is located on the east side of the Napa Valley, southeast of the city of St. Helena and northeast of the unincorporated Rutherford area. The project site sits south of Conn Creek and the Sage Canyon Road/State Route 128 right-of-way, and it is north of the Silverado Trail right-of-way. The site has direct driveway access to and from Sage Canyon Road/State Route 128 and secondary access for emergency vehicles only from Silverado Trail. The property is predominantly flat with the entirety of the site lying at or near the 220-foot contour elevation above mean sea level, and it is partially developed with winery buildings. A 0.75-acre olive tree grove and a single-family residence with accessory dwelling are also on the property and are permitted uses that are outside the scope of the winery Use Permit and this Use Permit Major Modification request. Water to the residence is provided from the City of Napa municipal water system; other uses on-site, including the winery and orchard, are served by existing on-site wells.

Construction of the approximately 8,900 square foot winery building and its associated infrastructure was completed in 2017.

Surrounding the site are large and by comparison smaller parcels, ranging in size from 4.7 acres up to 95 acres, some of which also include single-family residential and agricultural (vineyard) development. Other wineries currently operating in proximity to the Dakota Shy Winery property include the Rutherford Ranch Winery roughly 0.25-mile to the northwest, and Conn Creek Winery less than 0.25-mile to the west, across Silverado Trail.

Winery Proposal - As summarized in the Recommendation section of this staff report, the applicant is requesting amendment of current property entitlements to allow the winery to increase production from 14,000 to 20,000 gallons of wine per year. No physical modifications to the site are necessary or requested with the Use Permit Major Modification proposal, though changes to the winery's visitation and marketing program are proposed and are discussed further in the following paragraphs. Additionally, the applicant is requesting an exception to the Napa County Road and Street Standards for existing private driveways on-site, as also further discussed, below.

Visitation/Marketing Program - The applicant proposes to increase daily wine tours and tastings from a maximum of 20 visitors per day, by appointment, to as many as 48 visitors per day, by appointment. The applicant proposes to maintain a weekly maximum on the number of tours and tastings visitors, though with an increase from the currently permitted 112 visitors to 250 visitors per week. In addition to the request to increase the number of tours and tastings visitors to the winery, the applicant requests modification to the currently entitled wine marketing program (which currently consists of two events per year for up to 40 guests per event) to add one annual, 125-person marketing event. According to the analysis in the on-site wastewater feasibility system report prepared for the project, wine tours and tastings would be suspended on each of the three days during the year that marketing events would occur, and portable restrooms would be brought on-site for all events. Food served at marketing events are and would continue to be prepared by caterer, as there is no commercial kitchen on the winery premises.

As shown in Attachment K, the proposed daily, weekly and annual visitation to the winery is higher than the

average and median visitation for wineries of comparable production of 20,000 gallons of wine per year, though the number of annual winery events and marketing event guests is below average and median for similarly-sized wineries.

Groundwater Availability - Water for on-site for fire suppression and domestic use, including wine production, is currently provided from a well that was drilled in 2014 and that is located near the existing winery building on the southerly side of the property. Potable water from this well to the winery is regulated as a transient non-community water system due to the presence on-site of 25 or more people (winery employees and visitors) per day on at least 60 days of the year (see California Health and Safety Code, Division 104, Part 12, Chapter 4). Water necessary for landscaping and orchard irrigation is provided from an existing well located near Sage Canyon Road/State Route 128 on the northeasterly side of the property. No changes to existing water sources on the property are proposed with the project.

Concurrently with submittal of this Use Permit Major Modification application, the applicant submitted a project Water Availability Analysis (WAA) most recently updated by the applicant's engineer, Bartelt Engineering, in January 2021. The updated WAA references actual water usage for the property for the years between December 1, 2017, and December 1, 2020, during which the winery operators reported usage of 0.50 to 0.62 acre-feet of groundwater per year for winery operations. Another 0.09 acre-feet of groundwater was drawn each year for purposes of site and residential landscaping and olive orchard irrigation. The single-family and accessory residences on the property receive treated potable water from the City of Napa Municipal Water System and are thus excluded from the water demand estimates for the property.

Page 2 of the *Onsite Wastewater Feasibility Study for the Dakota Shy Winery, 771 Sage Canyon Road*, dated July 2019 and prepared for the project by the applicant's engineer, provides water usage factors of 6 gallons of water demanded per gallon of wine produced, and 3 gallons per tasting room visitor and marketing event guest (marketing events would have catered food and portable restrooms), plus 15 gallons of water per day per full-time employee shift (including marketing event staff). Applying these usage factors, existing groundwater demand on the property is estimated at 0.53 acre-feet per year for a typical year when 14,000 gallons of wine are produced. This number correlates closely with the 0.50 to 0.62 acre-feet of water used, as measured by existing water meters on the property. (Note that the higher end of the range of acre-feet of water drawn reflects a year when wine production exceeded the permitted 14,000 gallons, though the three-year average was still compliant with the production limit of the current Use Permit.) Applying the same water usage factors to the scope requested in the Use Permit Major Modification application, groundwater demand for the requested entitlement is estimated at 0.72 acre-feet.

The applicant-provided WAA describes groundwater recharge in the area as inclusive of precipitation, surface water seepage and artificial recharge (as from irrigation, for example). Water is extracted from the ground from wells, spring discharge and evapotranspiration. When extraction exceeds infiltration, groundwater can be overdrawn, resulting in ground subsidence and insufficient water resources. Using from various County and national data sources as described in the WAA prepared for this project, and assuming that 14 percent of rainfall recharges the groundwater basin, the WAA concludes that groundwater recharge is estimated to be an average of 2.4 acre-feet per year for the subject 6-acre parcel (based on an average rainfall of 34.8 inches recorded for the years between 1981 and 2010). Applying the same 14 percent groundwater recharge rate to the wettest and driest years between 2007 and 2017 (when measured rainfall was as low as 19.3 inches and as high as 46.7 inches per year), groundwater recharge for the project site is calculated at 1.4 acre-feet for a dry year and 3.3 acre-feet for a wet year. At 0.72 acre-feet of water per year for proposed winery operations, the estimated groundwater demands of the proposed project would not exceed the

average rate of groundwater recharge nor the calculated rate of groundwater recharge during typical dry or wet years.

Analysis in the initial study prepared for this project incorrectly described the average rainfall (34.8 inches) as rainfall during a typical drought year. Minor revisions to correct this reference are identified using strikethrough and bold text in the revised initial study attached to this staff report (Attachment D). As estimated groundwater demands related to the use permit major modification request do not exceed typical dry, typical wet, or average rainfall years as described in the paragraph above, the revisions to the initial study do not change the conclusion that the project would not have a significant impact on groundwater, and recirculation of the initial study is not warranted.

Wastewater - Analysis prepared for the applicant by Bartelt Engineering (see Attachment H) concluded that the wastewater generated from the project could adequately be disposed on-site, using existing tanks and leachlines that were installed on the property with construction of the winery building. That analysis determined peak daily process and sanitary wastewater flows to be as high as 1,465 gallons during the 30 days of harvest and crush season, assuming 1.5 gallons of wastewater is generated per gallon of the winery's requested annual production of 20,000 gallons of wine, and assuming that the proposed 125-person largest marketing event occurs on a day during crush.

The engineer's analysis in the project wastewater feasibility study describes the elements of the existing wastewater treatment system, which includes: 1) two, 1,500-gallon septic tanks for process wastewater flows; 2) one, 1,500-gallon septic tank for sanitary wastewater flows; 3) one, 2,00-gallon does tank for combined wastewater flows; and 4) a pressure distribution dispersal field with 720 lineal feet of leachline. The existing wastewater treatment system on-site has capacity to treat as many as 1,728 gallons of wastewater per day, in excess of the 1,465-gallon daily maximum anticipated for the project. Thus, though flows to the existing wastewater treatment system on-site would increase, no expansion of the existing system would be necessary for the proposed project.

Request for Exception to Napa County Road and Street Standards (RSS) - The proposed project includes a request for exception to the requirements of Sections 13 and 15 of the RSS. In combination, these sections of the RSS require that: 1) wineries to be served by a common driveway with minimum 20-foot width for two-way traffic (12-foot width for one-way traffic), plus 1 foot or wider shoulder on each side of the roadway, and where applicable, a gate that opens 2 feet wider than the road; and 2) roadways that have a minimum inside radius of 50 feet on any curves or turns where the roadway is not superelevated. The winery property currently has a two-way, asphalt-paved, entry/exit driveway and access road adjacent and parallel to the eastern property line, and a one-way, 12-foot wide, gravel-paved, exit-only roadway that branches off of the two-way road northeast of the on-site residence and leads to an exit-only driveway and gate just west of the center of the property frontage. The existing two-way winery access road is asphalt-paved in compliance with the RSS, but it has widths that vary from 20 or more feet along the two-way driveway access road to the winery, down to as narrow as 18 feet, 8 inches at the two-way access gate. The one-way gravel access road lacks the requisite 2 feet of shoulders, and it has two locations where the inside radius is 10 feet and 13 feet where 50-foot minimum inside radius is required by the RSS. Sections 3(d) and 5 of the RSS allow the County to make exceptions to the RSS where physical or legal constraints exist, and provided that the exception would not impede or delay emergency response or evacuation efforts.

Analysis submitted by Bartelt Engineering notes that the narrowness of the site entrance access gate is due to physical and legal constraints, namely, a steep slope on the south side of the driveway and a City of Napa watermain easement on the north side of the driveway (see memorandum from Paul N. Bartelt, P.E. to

David Morrison, PBES Director, dated July 13, 2020, in Attachment F). The Engineer notes that the 18-foot, 8-inch wide access gate has been adequate to accommodate large vehicles since the winery has been in operation, despite the deficiency of the gate width when compared to the RSS. Similarly, the engineer notes that despite lack of shoulders and substandard radii on the one-way gravel access road, the road has provided adequate access for standard passenger and emergency vehicles, with adequate ground clearance for fire trucks (see Project Plans, Sheet UP7). As with the gate width, the engineer notes that construction of the one-way roadway in strict conformance with the RSS could result in damage to the City of Napa watermain that extends through the property.

County staff is in agreement with the analysis of the applicant's civil engineer. A copy of the Engineering Manager's recommendation to approve the exception request, subject to recommended conditions (such as continued maintenance), is attached to this staff report with the RSS exception request letter and becomes final upon Planning Commission approval of the project.

Transportation and Parking - The requested increase in daily visitation would result in an increase in the number of daily vehicle trips to and from the property. Applying the Napa County trip generation factors, the proposed project would generate an estimated 65 trips if requested visitation was maximized (48 people) on a weekday, and an estimated 42 trips if requested visitation was maximized on a weekend day (assuming six of the 10 full-time employees are off on weekends). No construction of new roads or changes to existing roadways is proposed with the project. The winery would maintain its existing, separated entrance and exit driveways at Sage Canyon Road/State Route 128.

The estimated 10 net new daily trips, as well as the 65 total trips anticipated under existing conditions plus the proposed project, are under the Governor's Office of Planning and Research's suggested screening criterion of 110 new daily vehicle trips for which further analysis of potential vehicle miles traveled (VMT) impacts should be performed. Thus, the proposed project would have a less than significant impact with respect to VMT. While additional VMT analysis is not necessary and project impacts would be less than significant, to advance regional objectives toward reducing transportation-related air emissions, the traffic study recommends that the winery operator implement a transportation demand management (TDM) program inclusive of a TDM coordinator, opportunities for employees to work from home, carpool incentives, and promotion of high occupancy vehicle use for transportation of guests attending marketing events (Appendix G). Currently, two winery employees carpool, one employee works remotely, and one employee resides on the premises, all of which facilitate reductions in total vehicle trips associated with the winery. It is further noted that current site improvements include a parking stall with electric vehicle charging station and bicycle racks and storage areas for employees who choose to bike to work. Based on the recommendation in the traffic study, as reflected in the recommended conditions of approval from County Public Works staff, the recommended conditions (see Attachment B) include a project-specific condition of approval requiring: 1) submittal of a TDM program within 30 days of any decision to approve the use permit; and 2) submittal of annual monitoring reports documenting the effectiveness of the program.

Traffic impact analysis prepared by Crane Transportation Group, the applicant's consultant, described existing roadway conditions within the vicinity of the project site and the projected near-term (2025) and General Plan buildout (2030) impacts to the circulation system in the vicinity of the proposed winery, under scenarios both with and without traffic from the requested winery use, during peak harvest season. The traffic study evaluated the project's anticipated impacts at the unsignalized intersections of: 1) Silverado Trail and Conn Creek Road/State Route 128 west of the project site; 2) Silverado Trail and Sage Canyon Road/State Route 128 (also west of the project site but just south of and on the opposite side of the Silverado Trail from Conn Creek Road); and 3) Sage Canyon Road/State Route 128 and the two project site

driveways. At the Silverado Trail study intersections, traffic on Conn Creek Road and Sage Canyon Road are controlled by a stop sign, while traffic on Silverado Trail flows freely through the intersections. Additionally, the traffic study analyzed potential impacts to the segments of: 1) Silverado Trail just north and south of its intersections with Conn Creek and Sage Canyon Road; and 2) Sage Canyon Road between Silverado Trail and the project site.

For roads in the unincorporated areas, standards for level of service (LOS), which assigns a grade of A through F depending on the amount of delay a driver experiences on a road or at an intersection, have been established by the County in its General Plan Circulation Element (February 2019). LOS A indicates free flowing traffic with minimal delays, and LOS F indicates a severely congested segment or intersection. For intersections where the minor approaches are stop sign controlled, LOS indicates the seconds of delay experienced by each driver on the minor approach, where LOS A indicates no more than 10 seconds of delay, and LOS F indicates more than 50 seconds. General Plan policy CIR-38 establishes the County's desired LOS on all County roadways as LOS D. The policy lists some exclusions, including Silverado Trail between Conn Creek Road/State Route 128 southward to Yountville Cross Road; for this road segment in the vicinity of the project site, the General Plan policy specifies LOS E as acceptable level of service. The County has further clarified its General Plan policy to specify the following objectives as they apply to proposed projects:

-) If an unsignalized intersection operates at LOS A through D under existing PM peak hour conditions, and the project would cause the intersection level of service to fall to LOS E or F, then the applicant should implement actions to restore level of service to LOS D or better.
-) If an intersection or segment operates at LOS E or F under existing conditions, and the project would increase automobile delay by five (5) or more seconds on the minor approach to an unsignalized intersection, or by one percent or more of total segment volume, then the applicant should implement actions to reduce the increased delay.

Traffic counts on Silverado Trail were collected for two consecutive weeks, on Friday and Saturday afternoons in January and February 2020. Data from these traffic counts reflect that peak hours of traffic occur between 3:30 and 4:30 p.m. on a weekday (Friday) and between 3:00 and 4:00 p.m. on a weekend day (Saturday). Trip counts were also adjusted upward by 15 percent to more closely represent harvest season conditions. Intersection impacts, with and without the project, are described in the traffic study in terms of LOS and seconds of delay. Estimated traffic from a pending winery use permit application (Frank Family Vineyards/Benjamin Ranch Winery, Application No. P13-00371-UP) and an approved but unbuilt winery (Lieff Winery, Use Permit No. P07-00171-UP) on nearby sites were added to the proposed project's traffic to generate near-term (2025) and General Plan buildout (2030) traffic projections.

The majority of studied road segments and intersections operate acceptably for General Plan policy, though the Sage Canyon and Conn Creek Roads approaches to Silverado Trail currently operate at LOS F during the Friday afternoon peak hour, without the project. With no roadway improvements planned for the roadways near this intersection, LOS would continue to be unacceptable (i.e., below LOS E) for the near-term and General Plan buildout horizon years, without the project. Traffic volumes would warrant installation of an intersection traffic signal, though traffic signals in unincorporated Napa County are generally discouraged as conflicting with the desire to preserve the County's rural character. Adding project traffic to the various scenarios, these intersections would again continue to fail. However, with less than one second of increased delay the Conn Creek Road approach, the project's impacts would be minor. The project would exceed the 5-second threshold, with an increase in delay of 15 seconds to the existing condition, 24 seconds in the near-term, and as much as 167 seconds at General Plan buildout, on the Sage Canyon

Road approach to the intersection.

To reduce the delay, the applicant's engineer recommends that the winery operator appoint a transportation demand management program coordinator to facilitate ridesharing, and that the operator and winery staff schedule visitation and employee work hours so as to eliminate new project traffic on the roadway system during the Friday peak hour of traffic. This recommendation is reflected in recommended condition of approval 4.20.a in Attachment B.

Overflow parking for the three annual wine marketing events, inclusive of the 125-person event proposed with this Use Permit Major Modification, is provided in unpaved areas near the eastern and western property lines of the site. No change is proposed to be made to the existing 11 stalls of on-site parking, which has proved to be sufficient for winery regular winery operations to date.

Greenhouse Gas (GHG) Emissions - The applicant identified in the Use Permit Major Modification application, Napa County Voluntary Best Management Practices (BMP) Checklist for Development Projects, several measures intended to reduce emissions from the continued operation of the winery, including the following:

-) Generation of on-site renewable energy (BMP-1): The winery operators recently installed a roof-mounted photovoltaic array for on-site solar power generation. This array generates approximately 85-90 percent of the winery's energy needs. The project includes retention of this renewable source of solar energy for the winery building.
-) VMT reduction plan (BMP-6): Among various options suggested in the checklist, and as noted in the Voluntary Best Management Practices Checklist for Development Projects, the applicant has indicated intent to reduce emissions from single-occupancy vehicles through continued implementation of an employee carpool incentive program and group shuttles for marketing events.
-) Recycle 75 percent of all waste (BMP-17) and Compost 75 percent of food and garden material (BMP-18): The winery operators currently compost and recycle waste. Together, reduction of the winery's waste stream reduces the volume of material deposited in landfills, thereby reducing methane emissions from landfill decomposition.
-) Electric Vehicle Charging Stations (BMP-21): Improvements currently on the property include an electric vehicle charging station supporting the use of ultra low emission vehicles by customers or employees.

Grape Sourcing - All wine produced from the new winery is and would continue to be subject to the requirement in Napa County Code Section 18.104.250, Subsection B, that at least 75 percent of the grapes used to make the winery's still wine, or the still wine used by the winery to make sparkling wine, be grown within Napa County. The adopted conditions of approval of P14-00335 include this requirement in COA 5.0, applicable to the currently-permitted 14,000 gallons of annual wine production, and recommended conditions of approval would maintain the standard requirement for compliance with the codified grape sourcing rule for the requested 6,000-gallon per year wine production increase (COA 4.6 – Attachment B).

Public Comments – As of the writing of this staff report, no public comment letters have been received on this project.

Decision-making Options:

As noted in the Executive Summary, staff recommends approval of the project subject to conditions.

Decision-making options also include a no project alternative (denial of the requested Use Permit Major Modification) and a reduced-intensity project alternative.

Option 1: Approve Applicant's Proposal with Conditions (Staff recommended option).

Disposition - This action would increase the winery's annual production entitlement from 14,000 to 20,000 gallons of wine per year, would increase the maximum number of daily tours and tastings visitors from 20 to 48, and add one, 125-person marketing event to the winery's annual marketing program. No physical changes would be implemented with this approval, including the existing on-site wastewater treatment system, on-site wells, and the on-site winery access road for which the applicant is requesting exception to the RSS to maintain as built. Water demands associated with the requested modifications would increase but would not exceed calculated groundwater recharge volumes for the property during typical average, wet or dry years. Trip generation and vehicle miles traveled by winery visitors would increase with the proposed project. While some winery trips are currently reduced by a work-at-home program and on-site residence of one winery employee, staff still recommends that the project conditions include a requirement for the winery to maintain a TDM program to reduce the project's impacts to LOS.

Action Required - Follow the proposed action listed in the Executive Summary section of this staff report. If additional; conditions of approval are to be amended, specify conditions to be amended at the time the motion is made. The proposal has been analyzed for its potential environmental impacts, which were determined to be less than significant with no mitigation required. Staff believes there is adequate rationale to support approving the winery operator's request.

Option 2: Reduced Visitation Alternative.

Disposition - The analysis in the initial study concluded that potential environmental impacts of the project as proposed would be less than significant. However, this option provides the Planning Commission at their discretion, the ability to further reduce potential impacts by reducing visitation to align more closely with wineries with comparable production capacities. This alternative would reduce daily trips from the project, but with just one to two peak hour trips added to the studied intersections on Silverado Trail (see Crane Traffic Impact Study, Figure 9), the decrease in visitation would not significantly change the already negligible peak hour traffic volumes anticipated from the project. With this alternative, staff would continue to recommend that the project be conditioned to provide a TDM program, including ongoing monitoring, to reduce project traffic volumes and peak hour trips.

Action Required - Follow proposed actions listed in the Executive Summary and amend the scope and project-specific conditions of approval to reduce the winery's requested daily visitation from 48 visitors to a lesser number. The item would need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3: Deny the Requested Use Permit Major Modification.

Disposition - As a result of this action, the winery would continue to operate on the property under its currently permitted allowances for wine production, tours and tastings, and marketing events. No changes to existing conditions on or off of the property would occur with this option; however, as described in further detail above, significant impacts are not anticipated to occur from the Use Permit Major Modification as requested. Staff does not recommend this alternative because it would hinder the economic growth of the winery while not resulting in significant improvement of any potential impacts to the environment or area.

Action Required - In the event that the Commission determines that it cannot meet the required findings for grant of the requested Use Permit Major Modification, Commissioners must articulate the basis of the conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on Commissioner's statements. Staff would return to the Commission with the findings of denial of the project on a specified date. Under this alternative, the Negative Declaration would not be adopted.

Option 4: Continuance Option.

The Commission may continue an item to a future hearing date without action at this meeting, at the Commission's discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval & Agency Memos
- C . Previous Conditions
- D . Initial Study/Negative Declaration
- E . Use Permit Major Modification Application
- F . Roads & Streets Standards Exception Request
- G . Water Availability Analysis
- H . Wastewater Feasibility Study
- I . Traffic Impact Study
- J . Graphics
- K . Winery Comparison Analysis & Summary of Changes

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina