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Agenda Date: 3/20/2019  
Agenda Placement: 7A  
Continued From: 3/6/19

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Sean Trippi, Principal Planner - 299-1353  
**SUBJECT:** Darms Lane Winery

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### **RECOMMENDATION**

**DARMS LANE, LLC & 5XB VINEYARDS, LLC C/O LARRY J. BUMP / DARMS LANE WINEREY / USE PERMIT #P16-00017 & VIEWSHED #P18-00152**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant effects on Transportation/Traffic unless mitigation measures are adopted. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Use Permit for a new 30,000 gallon per year winery to allow the following: (a) construction of a 5,583 sq. ft. two-story production building, with a 1,922 sq. ft. outdoor covered work area; (b) construction of a 3,303 sq. ft. two-story hospitality/administrative building, including a commercial kitchen, with a 1,173 sq. ft. covered porch; (c) construction of 11,743 sq. ft. of winery cave area; (d) installation of three water storage tanks totaling 135,000 gallons for domestic water, irrigation, and fire suppression; (e) on-site parking for 12 vehicles; (f) up to eight full and/or part-time employees; (g) hours of operation seven days a week: production 6:00 AM to 6:00 PM (non-harvest) and visitation 10:00 AM to 6:00 PM; (h) tours and tastings by appointment only for a maximum of 24 visitors per day, 150 maximum per week; (i) a marketing program, which may include catered events, to host two events per month for up to 12 guests at each event; two events per month with up to 24 guests at each event; four events per year with up to 75 guests at each event; and, two events per year with up to 125 guests at each event (1,414 guests per year); (j) on-premise consumption of wines produced on site in the tasting room and outdoor hospitality areas, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (k) on-site domestic and process wastewater treatment systems; and, (l) driveway, entry gate and landscape improvements. The request also includes a viewshed application to address construction of the winery buildings on slopes of 15% or greater. The winery is proposed on a 46.94 acre property, approximately 427 feet north of the terminus of Darms Lane within the Agricultural Preserve (AP) zoning district. Access is provided across a 2.32 acre property located at the terminus of Darms Lane, adjacent to the winery property. APN's: 034-190-034 (driveway) & 034-190-035 (winery), 1150 Darms Lane, Napa.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration & Mitigation, Monitoring and Reporting Program (MMRP) and approve the Viewshed application and Use Permit, as conditioned.

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

**Applicant:** Patricia Bump Davis; (707) 224-4200 or [tricia@darmslanewine.com](mailto:tricia@darmslanewine.com)

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

**ITEM CONTINUED FROM THE MARCH 6, 2019 REGULAR PLANNING COMMISSION MEETING.**

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) based on recommended Findings 1-7 in Attachment A;
2. Approve Viewshed Application (P18-00152) based on Findings 8-14 of Attachment A and subject to the recommended conditions of approval (Attachment B); and
3. Approve Use Permit No. P16-00017-UP based on Findings 15-19 of Attachment A and subject to the recommended conditions of approval (Attachment B).

### **Discussion:**

This item was originally scheduled for a public hearing before the Commission on March 6, 2019. The applicant requested a continuance to March 20, 2019, in part to allow additional time for neighbors to review the proposal. The applicant's requested continuance and public comments received to dated are provided as Attachments "N" and "O," respectively.

The proposal is to construct and operate a new winery with a production capacity of up to 30,000 gallons. The winery would consist of a 5,583 sq. ft. two-story production building, with a 1,922 sq. ft. outdoor covered work area, a 3,303 sq. ft. two-story hospitality/administrative building, including a commercial kitchen, with a 1,173 sq. ft. covered porch, and 11,743 sq. ft. of winery cave area. The request also includes visitation and marketing events. The project includes a review of the proposed buildings under the Viewshed Protection Program (Chapter 18.106 of the Napa County Code) to review the visibility of the new construction from County designated Viewshed roads. The siting of the buildings, landscaping and earth tone exterior colors will help minimize visibility of the building from Highway 29. Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Implementation of the proposed project would result in minimal potential environmental impacts. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

## **FISCAL IMPACT**

Is there a Fiscal Impact?

No

**ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant environmental impacts on Transportation/Traffic unless mitigation measures are adopted. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Based on consultation with the applicant's team, several typographical errors were noted in the Mitigated Negative Declaration. The deleted text has been struck through and the corrections have been underlined in the environmental document (see pages 1, 12, and 17 of the IS/Mitigated Negative Declaration, Attachment C). The changes made to the Initial Study/Mitigated Negative Declaration were clarifications and no change was made to the environmental determination; therefore no public re-circulation of the document was required. [Revised consistent with State CEQA Guidelines Section 15073.5 (c)(4).]

**BACKGROUND AND DISCUSSION**

**Owners:** Darms Lane, LLC & 5XB Vineyards, LLC, c/o Larry J. Bump, 1150 Darms Lane, Napa, Ca 94558; (707) 224-4200

**Applicant:** Patricia Bump Davis, 1150 Darms Lane, Napa, Ca 94558; (707) 224-4200:  
[tricia@darmslanewinery.com](mailto:tricia@darmslanewinery.com)

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

**Zoning:** Agricultural Preserve (AP)

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

**Filed:** January 15, 2016 (Use Permit) & March 1, 2018 (Viewshed)

**Resubmittals Received:** February 16, 2016; February 21, 2017; November 22, 2017; March 21, 2018; and, April 11 & 16, 2018

**Deemed Complete:** May 15, 2018

**Revisions Received:** December 11, 19 & 24, 2018

**Parcel Size:** approximately 46.94 acres (winery site) & 2.32 acres (project entry site)

**Existing Development:** The winery site is currently developed with a residence, barn, storage shed, and approximately 13.5 acres of vineyards. The residence will be demolished to accommodate the hospitality/administrative building. Another barn had been previously demolished under a demolition permit issued in 2014.

**Proposed Winery Characteristics:**

**Winery Size:** Approximately 5,583 sq. ft. two-story production building, with a 1,922 sq. ft. outdoor covered work area; a 3,303 sq. ft. two-story hospitality/administrative building, including a commercial kitchen, with a 1,173 sq. ft. covered porch; and 11,743 sq. ft. of winery cave area.

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

**Winery Development Area:** +/- 9,038 sq. ft. or approximately 0.21 acres

**Winery Coverage:** +/- 85,966 sq. ft. or approximately 1.97 acres, 15.2% of site (Maximum 25% or approximately 15 acres)

**Accessory / Production Ratio:** Accessory +/- 4,718 sq. ft.; Production +/- 17,833 sq. ft. - approximately 26% (Maximum 40% permitted)

**Number of Employees:** Up to eight (8) full and/or part-time

**Proposed Visitation:** Maximum of 24 visitors per day by appointment only (150 maximum visitors per week). Tours and tastings may include wine and food pairings.

**Proposed Marketing Program:** Two events per month for up to 12 guests at each event; two events per month with up to 24 guests at each event; four events per year with up to 75 guests at each event; and, two events per year with up to 125 guests at each event (1,414 guests per year). Marketing events would occur between 11:00 AM and 10:00 PM. A commercial kitchen is proposed, where some of the food would be prepared for tastings and/or marketing events. Marketing events may also be catered.

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

**Parking:** 12 parking spaces including three ADA spaces.

**Setbacks:** Required: 300-feet from Darms Lane and 20-feet from all property lines

**Proposed:** 818-feet from Darms Lane; 538-feet from east property line; 1,321-feet from the west property line; 487-feet from the north property line; and, 167-feet from the south property line.

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

##### North:

Agricultural Resource (AR) and Agriculture, Watershed & Open Space (AWOS) General Plan designations, Agricultural Preserve (AP) zoning -

Adjoining the project site to the north is a 176.4 acre property with a home and vineyards.

##### South:

Agricultural Resource (AR) and Agriculture, Watershed & Open Space (AWOS) General Plan designations, Agricultural Preserve (AP) & Agricultural Watershed zoning -

South of the project site is a 50.1 acre property with a home, the Shifflett Ranch winery and vineyards, and a 46.2 acre property, under the same ownership as the 50.1 acre property, planted with vines. Embedded within the 50.1 acre property is a 1.04 acre site with a home. Adjoining the project site to the south is a 22 acre vineyard. The 50.1 acre property also wraps around the eastern side of the project site.

##### East:

Agricultural Resource (AR) General Plan designation, Agricultural Preserve (AP) zoning -

East of the site are five properties ranging in size from 1.0 to 6.4 acres with three homes, vines, and an undeveloped property. East/southeast is a 2.0 acre property with a home.

##### West:

Agriculture, Watershed & Open Space (AWOS) General Plan designation, Agricultural Watershed zoning - Adjoining the property to the west is a 535.65 acre property with vineyards.

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

Please refer to Attachment L.

### **Code Compliance History:**

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

### **Discussion Points:**

Setting - The 46.94 acre winery parcel is located approximately 427 feet north of the terminus of Darms Lane. Access to the winery property is via an existing driveway on an adjoining 2.32 acre parcel south of the winery property off a private road, at the terminus of Darms Lane. The winery site is currently developed with a residence, barn, storage shed, and approximately 13.5 acres of vineyards. The residence will be demolished to accommodate the winery hospitality/administrative building. Another barn had been previously demolished under a demolition permit issued in 2014. The property is relatively flat along the western portion of the property which is planted in vines, ( $\pm 0-8\%$  slope) then slopes up toward the area where the winery buildings are proposed. Beyond the proposed winery buildings, the property continues to slope upward with slopes ranging from 15-50% and above. Elevations on the property range from approximately 110 feet above mean sea level (msl) to approximately 500 feet above msl. A blue-line stream runs down from the hills west of the winery site then along the southern boundary of the property that provides access to the winery site. The stream then runs along and parallel to the westerly property line of the winery parcel for approximately 350-feet and then turns east.

Winery Proposal – The winery would consist of a 5,583 sq. ft. two-story production building with a 1,922 sq. ft. outdoor covered work area. The first floor would include a fermentation room, lab, winery storage, restroom, breakroom, and mechanical storage area while the second floor would include offices and additional storage. A 3,303 sq. ft. two-story building would house hospitality and administrative functions. The building would also include a commercial kitchen and a 1,173 sq. ft. covered porch. Barrel aging, additional hospitality, and storage would occur within 11,743 sq. ft. of cave tunnels. Grading spoils from project construction and cave excavation would be disposed on-site as indicated in the submittal materials. The proposed winery buildings would feature an agricultural architectural style with wood siding and standing seam metal roofs. The hospitality building includes a stone clad chimney enclosure. Both buildings will be painted grey with darker grey roofing to blend in with surrounding background.

Setbacks - The proposed project meets all applicable minimum setbacks, including the 300-foot minimum winery building setback from Darms Lane. No variances are requested or required as part of the proposal.

Visitation/Marketing Program - The project includes a request for a maximum of 24 visitors per day; maximum 150 visitors per week; and a marketing program to include two (2) events per month for up to 12 persons, two (2) events per month for up to 24 persons, four (4) events per year for up to 75 persons, and two (2) events per year for up to 125 persons. Food served at the events may be prepared on site or will be catered. As shown in Attachment L, the requested visitation for tours and tastings and marketing all fall above the average and median visitation for similar production size winery facilities with a maximum of 9,219 visitors a year. The project would have the fourth highest visitation rate of the eight wineries within one mile, and would have the sixth highest visitation rate of the 33 wineries within the same annual production. However, all impacts have been addressed and the project would be consistent with General Plan and zoning requirements.

Viewshed Application - Portions of the project site include slopes that are 15% or more and are viewable from Highway 29, which is identified as designated scenic roadway in the General Plan, and therefore subject to the Viewshed Protection Program (Chapter 18.106). The new winery is proposed at the base of the hill on the property where the existing residence and outbuildings are located. Approximately nine trees, including eight Oaks, would be removed and three Olive trees would be transplanted to facilitate construction of the winery. Approximately 26 new trees are proposed, 14 of which are sited to screen the predominant portions of the new buildings and to comply with the screening requirements of the Viewshed Protection Program. The trees proposed to screen the buildings will include evergreen species. There is also significant existing natural vegetation and hillside behind the winery buildings such that there will be no silhouetting of the buildings. A minimum of eight 24-inch box Olive trees and six 15 gallon Oaks are proposed to screen the predominant portions of the winery and to comply with the screening requirements of the Viewshed Protection Program. 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 predominant portion of the production building would be screened from Highway 29.

Traffic - The applicant has submitted a traffic study Traffic Impact Report, prepared by Mark Crane, Crane Transportation Group, revised January 2019, which analyzes existing, proposed, near term and cumulative traffic conditions during PM peak hours. The traffic study analyzed the potential impacts of the project during the PM peak hour on three intersections in the vicinity: Solano Avenue/Darms Lane (the Darms Lane approach is stop sign controlled); Solano Avenue/SR 29 connector roadway (the connector roadway westbound approach is stop sign controlled); and, SR 29/Solano Avenue-Washington Street connector road (the connector road eastbound and westbound approaches are stop sign controlled.) According to the County of Napa's Winery Traffic Information/Trip Generation Sheet, the proposed project's daily traffic volumes and peak hour trips have been calculated to be 33 vehicle trips with 13 trips occurring during the PM peak period on a typical weekday, 27 vehicle trips with 17 trips occurring during the PM peak period on a typical Saturday, and 34 vehicle trips with 19 trips occurring during the PM peak period on a Saturday during crush. Approximately 20 daily trips will be eliminated as a result of demolishing the existing single-family home on the project site. It should be noted that the Winery Traffic Information/Trip Generation Sheet included in the application submittal materials overstates trips associated with grape delivery. (Traffic during a Crush Saturday). The form has been revised to reflect the corrected trip generation rates as reflected above and is included in Attachment D.

Two of the three study intersections operate at acceptable levels of service (LOS A) during the harvest season for both the Friday and Saturday PM peak hour under existing conditions, year 2020 conditions, and cumulative conditions (year 2030) both with and without the project. The SR 29/Solano Avenue-Washington Street connector road, for vehicles turning left onto SR 29 or crossing SR 29 to Washington Street, is projected to operate at unacceptable levels of service (LOS E or F) with or without the project under existing conditions, year 2020 and cumulative scenarios. This intersection operated at acceptable LOS B or C for vehicles heading southbound on SR 29. In order to avoid adding project traffic to the impacted portion of the SR 29/Solano Avenue-Washington Street connector road during the PM peak period, the Traffic Engineer recommended providing a sign at the project driveway directing drivers leaving the winery to use Solano Avenue to access the California Drive interchange in Yountville to proceed northbound. This recommendation is included as mitigation measure and is included in the conditions of approval. None of the three intersections would have traffic volumes increased such that traffic signals would be required.

Access/Parking - Access to the winery site is currently provided from an existing driveway north of the end of Darms Lane. The driveway crosses a vineyard on an adjoining property and continues on to the existing residence. The existing driveway will be improved and extended as necessary to comply with the County Road and Street Standards. As noted above, the residence will be demolished to accommodate the winery.

The project is proposing a total of 12 parking spaces. The applicant has sufficient space to accommodate

additional parking throughout the remainder of the property or will provide a shuttle service from nearby legally established parking areas for the larger marketing events.

Wastewater - Bartelt Engineering prepared a wastewater disposal feasibility study, dated December 2018 (revised), which demonstrated the feasibility of installing onsite wastewater treatment systems. The study concludes that the proposed winery sanitary and process wastewater disposal needs can be accommodated onsite. The Napa County Environmental Health Division has reviewed the report and concurred with their conclusion. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal. No information has been encountered that would indicate a substantial impact to water quality.

Groundwater Availability - Approximately 13.58 acres of the subject property is located on the valley floor. The remaining 35.68 acres is within the western hills, or an area otherwise categorized as "all other areas" by the County WAA Guidance Document. A Tier I Water Availability Analysis (WAA), dated December 2018 (revised), was prepared by Bartelt Engineering to determine the estimated water use of the existing development, the proposed project and water availability. Based upon the site's 13.58 acres located within the valley floor area, estimated groundwater availability would be 13.58 acre-feet per year (13.58 acres x 1.0 af/yr.). There are three existing wells on the project site. Two wells will be destroyed. The existing vineyards are irrigated from an off-site well on the valley floor. According to the WAA, the estimated annual amount of infiltration for the property is approximately 7.43 acre-feet per year for a normal year and 4.61 acre-feet per year for a dry year. The available water for the project site is the combination of the allowable water allotment for the area located in the Valley Floor, which is 13.58 acre-feet per year, and the groundwater recharge for the area located in "all other areas." Therefore, the total amount of water available for the project site would be 18.19 acre-feet per year for a dry year and 21.02 acre-feet per year for a normal year.

The projected overall water demand for the project site is 8.0 acre-feet per year, 6.31 acre-feet per year for the vines and 1.69 acre-feet per year for the winery. The existing water demand is 7.5 acre-feet per year, 6.75 acre-feet per year for the vines and 0.75 acre-feet per year for the residence. The residence and approximately one acre of vines will be removed as part of the project. The parcel water demand can be met with the existing project wells. Therefore, the impacts from the project would be less than significant and no further analysis is needed. Below is a table that details each source of existing and proposed groundwater use.

Grape Sourcing - The project site will have approximately 12.6 acres of vineyards once the winery is constructed. Approximately 38% of the annual production capacity will be from estate grown grapes. The winery operator, through the use permit application, has indicated that they intend to maintain compliance with the 75 percent Napa Valley grape source requirement, with potential contracts for up to 2,900 acres of Napa County grapes. The contracts would yield more than 75% of the fruit needed to produce 30,000 gallons of wine annually. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule (COA No. 4.6 – Attachment B).

Greenhouse Gas Emissions – The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment D. The applicant intends to implement the following GHG reduction methods at the winery: generation of on-site renewable energy; alternative fuel or electric fleet vehicles; VMT reduction plan; solar hot water heating; energy conserving lighting; bicycle incentives; water efficient fixtures; water efficient landscaping; recycle 75% of all waste; composting; sustainable purchasing and shipping program; site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure by utilizing a cave; and, limit the amount of grading and tree removal.

Public Comments - A number of comment letters and e-mails were submitted regarding the project. Staff and the applicant will provide responses at the public hearing. It should be noted that the New Project Submittal Courtesy Notice was mailed to property owners within 1,000 feet of the project site on July 1, 2016. As noted in the attached findings (Attachment A), the public hearing notice and intent to adopt a Mitigated Negative Declaration were posted on February 13, 2019, and copies were forwarded to property owners within 1,000 feet of the subject parcel, as well as other interested parties. The public comment period ran from February 13, 2019 to March 5, 2019, in accordance with CEQA noticing requirements (Section 15105).

### **Decision Making Options:**

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

#### Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 30,000 gallon per year winery. Staff recommends this option as the request is consistent with the Zoning Ordinance, Viewshed Protection Program, applicable General Plan policies, and other County regulations. Furthermore, sufficient water is available to implement the project, the applicant proposes to incorporate GHG reduction measures as part of the project, comply with the 75% grape sourcing requirement, and there will be no significant environmental impacts to the site given application of mitigation measures.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

#### Option 2 - Reduced Project Alternative

Disposition - This option would reduce the scope of the project via a reduced visitation and marketing program.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require a reduction in the requested visitation and marketing program. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

#### Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of the Viewshed application and Use Permit, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit and exception request is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

#### Option 4 - Continuance Option

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



**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Initial Study/Mitigated Negative Declaration & MMRP
- D . Use Permit Application Packet
- E . Viewshed Application Packet
- F . Water Availability Analysis & Financial Capacity Analysis
- G . Wastewater Feasibility Analysis
- H . Traffic Study
- I . Biological Studies
- J . Stormwater Control Plan & Hydrology & Hydraulic Evaluation
- K . Graphics
- L . Winery Comparison Analysis
- M . Site Photos
- N . Applicant's Continuance Request
- O . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina