



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/7/2012

Agenda Placement: 9B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for Hillary Gitelman - Director  
Conservation, Development & Planning

**REPORT BY:** Mary Doyle, Planner - 299-1350

**SUBJECT:** Paradoxx Winery Use Permit Modification P08-00671

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### **RECOMMENDATION**

#### **ALEX RYAN/PARADUXX WINERY-USE PERMIT MODIFICATION P08-00671**

**CEQA status:** Categorically Exempt pursuant to Section 15301-15304 of the California Environmental Quality Act (Class 1- alternations to an existing structure, Class 2- reconstruction or replacement of existing facilities, Class 3- internal conversion of an existing structure, Class 4- minor alternation to land ); General Rule Section 15260 (b)(3); and appendix B of the Napa County Local Procedures for Implementing the California Environmental Quality Act. This project is not on any of the lists of Hazardous waste sites enumerated under government Code section 65962.5.

**Request:** Approval of a modification to Use Permits #00164-UP through P06-01523 VMM to allow the following: 1) increase the annual production from 156,000 gallons to 200,000 gallons; 2) increase the existing winery waste system to accommodate the increase of 44,000 gallon annual production; 3) construction of 3,384 square feet of administration area on the existing second floor of an existing structure; 4) increase the number of employees from five full time employees to 36, and the number of part-time employees from four to five; 5) increase the parking spaces from 22 to 40; 6) change appointment only tours & tastings from two per day with 15 persons per tour/tasting to Private tours/tasting up to a maximum of 48 persons per day; 7) to increase the marketing plan to include five Food & Wine events per week with 24 persons per event, ten Cultural Food & Wine events per year with 24 persons per event, two Wine (with food) Club events per year with 125 persons per event; (8) on-site consumption of wine pursuant to A.B. 2004; (9) recognition of an existing 170 square foot kitchen in the hospitality facility; and (10) removal of an unpermitted outdoor kitchen. The winery site is addressed at 7257 Silverado Trail, and located on the west side of Silverado Trail, approximately 4,000 feet north of its intersection with Yountville Cross Road within an Agricultural Preserve (AP) zoning district. (APN: 031-170-019)

**Staff Recommendation:** Find the project categorically exempt and approve the requested use permit modification as conditioned.

**Staff Contact:** Mary Doyle, 707-299-1350 or [mary.doyle@countyofnapa.org](mailto:mary.doyle@countyofnapa.org)

## **EXECUTIVE SUMMARY**

### **Proposed Action:**

That the Planning Commission:

1. Find the project categorically exempt, as set forth in Finding 1 of Exhibit A.
2. Approve Use Permit Modification No P08-00671 based on findings 2-6 of Exhibit A and subject to the recommended conditions of approval (Exhibit B)

**Discussion:** The project under consideration is a modification to include the following: increase in the annual production capacity of 44,000 gallons for a total production capacity of 200,000 gallons and associated winery wastewater capacity; construction of 3,384 square feet of administrative space in the second floor of an existing structure; increase the number of full time and part time employees; changes to the number of tours and tastings; changes to the marketing events; increase in the number of parking spaces; and to allow for the on-site consumption of wine. Included with the modification is recognition of an approximately 170 square foot kitchen (formerly an employee break room) currently being used as a kitchen to prepare minimally process food and used to plate food for immediate service as currently permitted/licensed through Environmental Management. This modification also remedies an open code enforcement action from 2006 for installing an outdoor kitchen without benefit of a building permit and/or an operating permit from Environmental Management.

No other changes are being requested. The existing winery coverage of approximately 2.8 acres will remain unchanged. The existing production (covered crush area, fermentation, barrel storage and case good storage) facilities have sufficient capacity to accommodate the increase in gallonage and associated activities. No new construction is necessary. The existing leach field associated with the winery wastewater system has sufficient area to accommodate the increase in gallonage, as well as, the increase in the necessary wastewater reserve area.

The traffic circulation pattern will remain unchanged. The existing entrance at Silverado Trail will remain as is. At the entrance to the winery, there is a left turn lane off of northbound Silverado Trail, as well as acceleration/deceleration tapers on southbound Silverado Trail. The driveway itself is a 2-lane loop that accommodates the existing winery and vineyard traffic with sufficient capacity for the increase in traffic associated with the increase in production, employees and guests. The existing driveway and parking spaces are asphalt paved to accommodate winery employees and guests, vineyard related vehicles and emergency vehicles. The new parking spaces will be a combination of asphalt paved at the production facility and compacted gravel near the hospitality facility. For large events, additional parking may be accommodated in the vineyard avenues and/or with valet parking.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is Categorically Exempt pursuant to Sections 15301-15304 and Section 15601(b)(3) of the California Environmental Quality Act, and Appendix B of the Napa County Local Procedures for Implementation the California Environmental Quality Act. This project is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

(Section 15301) Class 1 : allows for expansion of an existing facility...

(e) providing that the addition will not result in an increase of more than...

(2) 10,000 square feet where all services and facilities are available..., and is

(3) not located in a sensitive area....

(Section 15302) Class 2: demolition or removal of individual small structure....

(Section 15303) Class 3: replacement/reconstruction of existing structures or facilities...

(Section 15304) Class 4: minor alterations to the condition of land...

(Section 15601 (b)(3)) General Rule: it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

## **BACKGROUND AND DISCUSSION**

**Owner/Applicant:** Alex Ryan, Paraduxx Winery (707-967-2025)

**Representative:** Donna Oldford (707-963-6832)

**Zoning:** AP (Agricultural Preserve)

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

**Filed:** December 18, 2008, revisions (May 28, 2009, October 18, 2011 and February 21, 2012)

**Winery size-existing:** 124,435 square feet

Winery size-proposed: 124,435 square feet (this modification is internal to a portion (3,384 square feet) on an existing 2nd floor)

**Production capacity-existing:** 156,000 gallons per year

Production capacity-proposed: 200,000 gallons per year

**Visitation-existing:** Appointment only tours & tastings with 30 guests per day, and a marketing plan of :

2 events/day and 15 guests per event,

2 special events/week with food and 20 guests per event, and

2 annual auction events with 500 guests (with catered food).

Visitation-proposed: Appointment only tours & tastings with food for a maximum of 48 persons per day, and a marketing plan of:

Food & Wine Events: 5 events per week with 24 persons per event,

Cultural Wine & Food Events: 10 events per year with 24 persons per event,

Wine Club Events with food: 2 events per year with 125 persons per event.

(Note: The previously approved 2 annual auction with catered food and 500 guests per event will remain unchanged and continue.)

**Food service-existing:** Limited to minimally processed food for immediate service

Food service-proposed: Catered food for all events with more than 24 guests.

(Note: The existing 170 square foot kitchen in the hospitality facilities shall remain limited to minimally processed food for immediate service.)

**Number of employees**-existing: 5 full-time employees and 4 part-time employees  
Number of employees-proposed: 36 full-time employees and 5 part-time employees

**Hours of operations**-existing: 7:00 am to 6:30 pm daily  
Hours of operations-proposed: no change

**Parking**-existing: 22 spaces  
Parking-proposed: 40 spaces

**Parcel size:** 45.5 acres

**Accessory/Production ratio**-existing: 26%  
Accessory/Production ratio-proposed: 34%

**Winery coverage**-existing: approximately 2.8 acres  
Winery coverage-proposed: no change

**Property line setback**-existing: front yard is 400 feet, side yards are 136 feet and 926 feet and rear yard is 540 feet  
Property line setback-proposed: no change

**Winery road setback**-existing: 420 feet from the centerline of Silverado granted by #00165 VAR (Aug 16, 2001)  
Winery road setback-proposed: no change

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

North: Agricultural Resource/AP/vineyards and State of California, Rector Creek

South: Agricultural Resource/AP/vineyards

East: Agricultural Watershed Open Space/AW/vineyards

West: Agricultural Resource/AP/vineyards, rural residential

**Parcel history and evolution of this application:**

The parcel has been in agriculture (orchard, vineyard) including a residence (orchard, vineyard) since the **1940s**. Currently the 45.5 acre property is a producing vineyard and winery. The winery was originally permitted, **#00164 UP (approved August 2001)** for an annual production of 156,000 gallons and a variance **#00165 VAR** (approved with the use permit) was granted to allow the then existing residence located within the 600 foot winery road setback to become a winery hospitality facility, and the outdoor area including a grill to be used for outdoor related hospitality and food preparation. Briefly summarized below are the subsequent Conditions of Approval from the various use permit modifications occurring since the original approval in 2001. Complete copies of the conditions of approval are attached to this staff report.

**#02278 X** Time Extension (approved in July, 2002).

**#03249 MOD** (approved August, 2003) to allow: relocation of the 5,000sf barrel storage building; reduction of hospitality structure from 4,514sf to 3,939sf; new construction of 11,267sf (1,798sf generator pad; 1,074sf tank pad; 6,200sf production facility; 810sf production pad); 1,385sf of additional driveway; and Phase 1-3 winery construction plan (schedule).

**#P04-0202 MOD** (approved May, 2004) to allow: new construction of two 2,100sf barrel storage (single story), 178sf pump house, relocation of hospitality & fermentation buildings, and removal of existing barn (2,926sf) & latilla (1,274sf).

**#P04-0279 MOD** (approved July, 2004) to allow: new construction of two 2,100sf barrel storage (single story)

structures, 178sf pump house, relocation of hospitality & fermentation buildings, and removal of existing barn (2,926sf) & latilla (1,274sf).

**#P04-0472 MOD** (approved November, 2004) to allow: relocation of the entry on Silverado Trail, removal of existing asphalt, and widen the loop road for 2-way traffic.

**#06-01523 Very Minor Mod** (approved January, 2007, though not used & expired on Jan 24, 2009) was limited to improvements to the existing outdoor covered barbecue area to be an enclosed outdoor accessory barbecue space (with oven, stove, dishwasher, sink, under counter refrigerator, and similar features).

#### **Code Compliance:**

In 2006, the Winery was cited for construction of an outdoor kitchen without benefit of a building permit or an operating permit from the Department of Environmental Management. At that time the remedy was for the applicant to apply for: (1) a use permit to allow an outdoor kitchen, (2) apply and obtain a building permit, and (3) apply and obtain an operating permit from Environmental Management. A use permit modification (**#P06-01523 VMM**) was applied for and approved to allow an outdoor kitchen, and a building permit was applied for installation. Neither the use permit or the building permit were used and both expired. An operating permit from Environmental Management was not obtained. The issue remained unresolved since that time. The scope of this modification includes a condition of approval for the removal of the outdoor kitchen within a time certain of 60 days from the date of approval of this modification to remedy this code violation.

#### **Discussion:**

Facility Expansion & Site Layout: The winery began with the reuse or repurposed farm residence and associated structures, a garage, barn and outdoor patio barbecue area. Today, the winery facilities occupy approximately 2.8 acres of the 45.5 acre parcel. There are no changes to the winery footprint. The then existing driveway on Silverado Trail became the winery entrance with a single lane loop driveway. Eventually, the winery entrance was relocated to its current location and the single lane loop was widened to 2 lanes allowing for 2-way traffic. The widening of the driveway also allowed for unimpeded emergency access to all the winery structures.

The proposed administrative space will be limited to the renovation of an existing space on the second floor of the production facility. The original permit, as approved in 2001 (#00164-UP), allowed for the existing house to be modified becoming the office and hospitality facility. However, there was no specific mention of the kitchen. The small approximately 170 square foot kitchen was used as an employee break room. This "break room" eventually evolved over time and was used to prepare minimally process food associated with the winery's marketing plan. The kitchen has been licensed through Environmental Management for its current use; however, none of the previous use permit conditions included a provision for a kitchen for marketing purposes. Therefore, the scope and a condition of approval associated with this modification include the recognition of the existing approximately 170 square foot kitchen (formerly an employee break room) to be used as currently permitted/licensed through the Environmental Management Department.

Annual Production Increase - There is sufficient winery facility capacity to accommodate the increase in annual production with regards to fermentation, barrel storage and case good storage, that no new construction is necessary. Furthermore, Environmental Management has determined that the existing winery wastewater and leach field system will be sufficient in area to accommodate the 44,000 gallon production increase, as well as, the proposed marketing plan changes.

Employee Increase – The applicant proposes to consolidate all employees currently working from all other off-site winery facilities affiliated with Paraduxx Winery in order to better accommodate daily service needs and special marketing events. As a result, there may be, on a temporary basis, an increase in the number of winery employees located on-site. Once employees are assigned work accordingly, they will vacate the premise.

Marketing Plan Changes - The increase in the marketing plan proposes to have an overall: (1) daily increase from approximately 30 visitors per day to 48 visitors per day; (2) weekly special events from 2 to 5 weekly events; and (3) annual events would increase from 2 to 10 per year. Tours and tastings will continue to occur through appointment only with the continuation of limited food service with daily tastings and the addition of catered food with weekly or larger events.

Traffic Generation – The average daily trips projected under this modification is 229 trips. The additional increase in traffic associated with the winery production increase will be mostly related with the delivery of grapes. The delivery of grapes occurs during the 3-6 weeks of harvest. These deliveries will generally occur during late evening or early morning hours, as harvested grapes retaining their full vigor during cool temperatures prior to crush. Other trips will be generated either through the increase in visitors per day or through the proposed increase in weekly or annual events.

Parking - To accommodate proposed increases in the number of employees, and marketing plan changes, 20 parking spaces will be added to areas that are already paved or have a gravel surface. New striping for the additional individual parking spaces would be necessary. To address larger events, additional parking will be accommodated in the vineyard avenues and/or with valet parking.

Green House Gas (GHG) Considerations: Bay Area Air Quality Management District (BAAQMD) has screening criteria in their CEQA guidelines (May 2011) with regards to greenhouse gas emission. Projects may use the screening criteria Table 3-1 of the guidelines to assess an individual project's potential for a cumulative impact to air quality. The proposed project is below the screening criteria of 50 or more employees and/or 9,000 square feet of new construction, therefore would not have a contribute to a cumulative significant increase in greenhouse gas emissions.

Once adopted the County's draft Climate Action Plan (CAP) would require discretionary projects to reduce their greenhouse gas emissions by 38% below "business as usual" by applying a combination of state, local and project-specific measures. Proposed projects like this one which include minimal construction and increase activities on site will find it challenging to reduce emission as required by the CAP unless the project can take credit for GHG reductions that have occurred at the winery since 2005.

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

1. Zoning: The project is consistent with the AP (Agricultural Preserve) zoning district regulation. A winery (as defined in the Napa County Code Section 18.08.640 and used in connection with a winery (Napa County Code Section 18.20.030) are permitted in the AP district with an approved use permit. This application complies with the Winery Definition Ordinance, and staff believes the required finding can be made.
2. Building Division Requirements: The division recommends approval with conditions as stated in their attached memo dated July 19, 2009.
3. Department of Public Works Requirements: The department recommends approval with conditions as stated in their attached memo dated November 18, 2011.
4. Code Enforcement Division Requirements: The division recommends approval conditions as stated in their comment dated December 12, 2012.
5. Fire Department Requirements: The department recommends approval with conditions as stated in their attached memo dated January 19, 2012.
6. Department of Environmental Management Requirements: The department recommends approval with

conditions as stated in their attached memo dated January 23, 2012.

**SUPPORTING DOCUMENTS**

- A . Proposed Findings
- B . Proposed Conditions of Approval
- C . Department Memos, Comments/Conditions
- D . Department of Veterans Affairs
- E . Application Materials
- F . Supplemental Application Material
- G . Neighbor Outreach Letter
- H . Previous Conditions of Approval
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell