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A Commitment to Service

Agenda Date: 4/5/2017

Agenda Placement: 8C

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: Jason Hade, Planner III - (707) 259-8757

SUBJECT: Behrens Family Winery, Use Permit Major Modification P15-00203-UP & Variance P15-00341-VAR

RECOMMENDATION

LES BEHRENS AND LISA DRINKWARD / BEHRENS FAMILY WINERY / USE PERMIT MAJOR MODIFICATION NO. P15-00203-UP & VARIANCE NO. P15-00341-VAR & ROAD & STREET STANDARDS EXCEPTION REQUEST

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the areas of biological resources and transportation/traffic. 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 Major Modification Use Permit to permit the expansion of an existing 10,000 gallon winery as follows: (a) production increase to 20,000 gallons per year; (b) allow the expansion of two winery buildings and the construction of two new winery buildings, totaling 7,319 square feet in area; (c) host daily tours and tastings by appointment only for a maximum of 32 persons per day; (d) a Marketing Program to permit four (4) events per year with a maximum of 20 guests, two (2) events per year with a maximum of 50 guests, one (1) event per year with a maximum of 60 guests, and one (1) event per year with a maximum of 100 guests; and (e) proposed hours of operation: 8:00 AM to 10:00 PM (production hours, except during harvest) and 10:00 AM to 3:00 PM (visitation hours), 7-days a week.

A Variance application (P15-00341) is also being requested to allow: (1) construction of the proposed hospitality building and bathroom building and expansion of the existing winery building approximately 100 feet within the 300 foot winery setback from the private driveway from Spring Mountain Road which serves one additional parcel to the north of the subject site; and (2) to permit the proposed barrel barn and case goods storage building approximately 50 feet within the 300 foot winery setback and to permit the proposed tank barn and covered crush pad approximately 25 feet within the 300 foot winery setback.

The project also includes a request for an exception to the Napa County Road and Street Standards (RSS). The request proposes an exception to the State Responsibility Area Fire Safe Regulations to allow a reduced roadway width of a single traffic lane with a minimum paved width of 12 feet because of unique features of the natural environment which include steep slopes and mature trees. This segment totals approximately 250 feet in length. The project also requests an exception to allow an average longitudinal slope of 18 percent for a 50 foot section of roadway. The Napa County RSS require two ten (10) foot wide traffic lanes and permit a maximum longitudinal slope of 16 percent. The project is located on a 20 acre parcel within the Agricultural Watershed (AW) zoning district and accessed via a private driveway located off Spring Mountain Road; 4078 Spring Mountain Road, Saint Helena, CA 94574; APN: 020-300-035.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the exception to the Napa County RSS, Variance, and Use Permit Major Modification, as conditioned.

Staff Contact: Jason R. Hade, AICP, Planner III, (707) 259-8757 or jason.hade@countyofnapa.org

Applicant Contact: Jon Webb, 1113 Hunt Avenue, Saint Helena, CA 94574; (707) 963-1217

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 the Exception to Road and Street Standards based on recommended Findings 8-9 in Attachment A, and subject to the recommended conditions of approval in Attachment B;
3. Approve Variance P15-00341-VAR based on recommended Findings 10-14 in Attachment A, and subject to the recommended conditions of approval in Attachment B; and
4. Approve Use Permit Major Modification P15-00203-UP based on recommended Findings 15-19 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

The proposal is to expand an existing 10,000 gallon per year winery to increase production to a capacity of up to 20,000 gallons per year. The existing two (2) winery buildings are proposed for expansion along with the construction of two (2) new winery buildings, totaling 7,319 square feet in area. Hosted daily tours and tastings by appointment only for a maximum of 32 persons per day, and a Marketing Program to permit four (4) events per year with a maximum of 20 guests, two (2) events per year with a maximum of 50 guests, one (1) event per year with a maximum of 60 guests, and one (1) event per year with a maximum of 100 guests is also requested. The requested Variance would allow construction of the proposed new hospitality building and bathroom building and expansion of the existing winery building approximately 100 feet within the 300 foot winery setback from the private driveway from Spring Mountain Road which serves one additional parcel to the north of the subject site. The Variance is also required to permit the proposed barrel barn and case goods storage building approximately 50 feet within the 300 foot winery setback and to permit the proposed tank barn and covered crush pad approximately 25 feet within the 300 foot winery setback. A request for an exception to the Napa County Road and Street Standards is proposed to allow a reduced roadway width of a single traffic lane with a minimum paved width of 12 feet because of unique features of the natural environment which include steep slopes and mature trees. This

segment totals approximately 250 feet in length. The project also requests an exception to allow an average longitudinal slope of 18 percent for a 50 foot section of roadway.

The subject application was submitted to address a Notice and Order dated November 15, 2014 which included the construction of the barrel and fermenting tank storage building, a winery addition bottle storage building, three metal shade structures with electrical lighting, garden walls, detached bathrooms, a chicken coop, and an outdoor kitchen without building permits. Additional violations included visitation and marketing to the public in excess of the previously permitted Use Permit limits, expansion of the previously permitted winery development area, and failure of the applicant to submit grape sourcing data and annual wine production information. Although this application was initiated in response to a code compliance case, staff has reviewed the proposal and determined that it likely would have been recommended for approval in the event it was submitted without the code violations occurring first. Moreover, the applicant ceased all illegal activities upon receipt of the Notice and Order and has worked diligently with staff in the processing of the application to address the code violation issues identified above. Staff has reviewed the exception request to the RSS and Variance request and the evidence submitted and believes the findings can be met. The requested visitation and marketing program is similar in size to those of 20,000 gallon per year production wineries with by appointment visitation. 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 and MMRP. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the areas of biological resources and transportation/traffic. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5

BACKGROUND AND DISCUSSION

Owner: Les Behrens and Lisa Drinkward

Representative: Jon Webb, 1113 Hunt Avenue, St. Helena, CA 94574; (707) 963-1217

Zoning: Agricultural Watershed (AW) District

GP Designation: Agriculture, Watershed, and Open Space (AWOS) Designation

Filed: June 11, 2015

Resubmittal Received: October 12, 2015, February 10, 2016, and May 11, 2016

Deemed Complete: July 28, 2016

Parcel Size: 20 acres

Existing Development: The existing parcel consists of 0.6 acres of vineyards. The site also includes an existing 1,600 square foot winery building, 400 square foot covered crush pad, 700 square foot crushing and fermenting barn, 2,800 square feet of uncovered outdoor work area, 100 square foot bathroom building, a residence, two (2) residential cut and cover structures (not a part of the winery), and a paved parking area. Other site improvements consist of a septic system, two (2) existing 10,500 gallon water storage tanks, a paved driveway to Spring Mountain Road, and one (1) well.

Proposed and Existing Winery Characteristics

Winery Size - Approved: 7,000 square foot winery development area with uses identified above.

Winery Size - Proposed: 34,770 square feet.

Production Capacity Approved: 10,000 gallons per year.

Production Capacity Proposed: 20,000 gallons per year.

Winery Coverage Existing: 108,191 square feet or approximately 12.4%.

Winery Coverage Proposed: 117,220 square feet or approximately 13.5%. (Maximum 25% or approximately 15 acres permitted).

Accessory/Production Ratio Existing: 0 square feet accessory/2,000 square feet production - 0%.

Accessory/Production Ratio Proposed: 1,433 square feet accessory/7,881 square feet production - approximately 18%.

Number of Employees Existing: 4

Number of Employees Proposed: 7

Visitation - Approved: None - wine trade personnel only by appointment only.

Visitation - Proposed: Maximum of 32 visitors per day (by appointment only) and 224 visitors per week.

Marketing Program - Approved: None

Marketing Program - Proposed: A Marketing Program as follows: (a) Four (4) events per year with a maximum of 20 guests; (b) Two (2) events per year with a maximum of 50 guests; (c) One (1) event per year with a maximum of 60 guests; and (d) One (1) event per year with a maximum of 100 guests. All food to be catered. Time of day: 10:00 AM to 9:00 PM.

Days and Hours of Operation - Approved: 8 AM to 6 PM daily (production hours).

Days and Hours of Operation - Proposed: 8 AM to 6 PM daily (production hours) and 10:00 AM to 3:00 PM daily (visitation hours). All events to conclude by 9 PM.

Parking - Approved: 7 parking spaces.

Parking - Proposed: 8 parking spaces.

Setbacks:

Required Road setbacks – 300 feet from the centerline of the private driveway from Spring Mountain Road.

Required Property line setbacks - 20 foot side and rear yard setbacks (for structures) except where the 300-foot is applicable.

Proposed - A Variance is requested to allow construction of the proposed hospitality building and bathroom building and expansion of the existing winery building approximately 100 feet within the 300 foot winery setback from the private driveway from Spring Mountain Road which serves one additional parcel to the north of the subject

site. The Variance is also required to permit the proposed barrel barn and case goods storage building approximately 50 feet within the 300 foot winery setback and to permit the proposed tank barn and covered crush pad approximately 25 feet within the 300 foot winery setback. See Discussion section below. The application meets all other setback requirements.

Adjacent General Plan Designation/ Zoning / Land Use:

North: Agriculture, Watershed, and Open Space (AWOS)/Agricultural Watershed (AW)/undeveloped

South: AWOS/AW/rural residential use/agricultural use (vineyards)

East: AWOS/AW/agricultural use (vineyards)

West: AWOS/AW) /undeveloped

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

Please refer to Attachment M.

Parcel History:

Use Permit #97433-UP was approved by the Planning Commission on June 3, 1998 and authorized the construction of a 10,000 gallon per year winery with no employees, no retail sales, and tours and tastings limited to wine trade personnel only by prior appointment. No on-site marketing activities were approved. The permit also authorized the construction of a 2,000 square foot structure for barrel storage and bottling and a 2,800 square foot open work area.

Code Compliance History:

A code case was opened on October 8, 2014 and a Notice and Order dated November 15, 2014 (Attachment C) was sent to the applicant identifying the following code violations: construction of the barrel and fermenting tank storage building; a winery addition bottle storage building; three metal shade structures with electrical lighting; garden walls; detached bathrooms; a chicken coop; and an outdoor kitchen without building permits. Additional violations included visitation and marketing to the public in excess of the previously permitted Use Permit limits, expansion of the previously permitted winery development area, and failure of the applicant to submit grape sourcing data and annual wine production information. The applicant ceased all illegal activities upon receipt of the Notice and Order and has worked diligently with staff in the processing of the application to address the code violation issues identified above. If approved, this application would resolve the outstanding code violation issues identified above.

Discussion Points:

Setting - The 20 acre parcel is located on the north side of Spring Mountain Road, approximately 4.5 miles northwest of its intersection with Madrona Avenue. A northwest-southeast trending ridgeline traverses the west-central portion of the site with much of the site containing slopes in excess of 30 percent to the northeast, away from this ridgeline. Site topography within the existing and proposed winery development area ranges from 0-15 percent and the soil on site consists of Aiken loam and forward gravelly loam. The parcel is developed with two (2) winery buildings, 0.6 acres of vineyards, a residence, two (2) residential cut and cover structures (not a part of the winery), and a paved parking area. Additional site improvements consist of a septic system, two (2) existing 10,500 gallon water storage tanks, a paved driveway to Spring Mountain Road, and one (1) well.

The surrounding land uses include vineyards, wineries (Barnett Vineyards, Sherwin Family Vineyards, and Ritchie

Creek Vineyards) and residential development on large parcels, the nearest of which is approximately 1,350 feet to the southeast of the proposed hospitality building. The project site is located outside the boundaries of the 100 and 500 year flood hazard zones. Native vegetation of the site includes oak woodland and coniferous forest.

Winery Proposal - The proposal is to expand an existing winery to a maximum permitted capacity of up to 20,000 gallons per year. Approximately 7,319 square feet of additional floor area would be constructed. Hosted daily tours and tastings and a marketing program is also requested.

Road and Street Standards Exception - A request for an exception to the Napa County Road and Street Standards (RSS) was submitted by Applied Civil Engineering on April 27, 2016 (Attachment H). The request proposes an exception to the State Responsibility Area Fire Safe Regulations to allow a reduced roadway width of a single traffic lane with a minimum paved width of 12 feet because of unique features of the natural environment which include steep slopes and mature trees. This segment totals approximately 250 feet in length. The project also requests an exception to allow an average longitudinal slope of 18 percent for a 50 foot section of roadway. The Napa County RSS require two ten (10) foot wide traffic lanes and permit a maximum longitudinal slope of 16 percent. Alternative improvements are also proposed and are described in detail below. The exception proposes the following decrease in width and increase in the slope of the private roadway segment:

STA 10+00 to STA 52+50

This roadway would conform to the 2016 Napa County RSS.

STA 52+00 to STA 52+50

The existing driveway would be improved to conform to the RSS with the exception of longitudinal slope. The applicant is requesting an exception to the standard of maximum slope of 16 percent and proposes to construct a roadway with grades averaging 17 to 18 percent for 50 linear feet.

STA 52+50 to STA 55+00

The existing driveway would be improved to conform to the RSS with the exception of the traffic lane widths. The applicant is requesting an exception to the standard of two 10 foot wide traffic lanes.

STA 55+50 to STA 56+00

The proposed road conditions for this section of roadway would be fully compliant with the 2016 Napa County RSS.

In addition to the driveway improvements outlined above, several other measures have been incorporated into the project design to provide the "same overall practical effect" as the RSS towards providing defensible space and consideration towards life, safety, and public welfare while allowing a section of the driveway to have an increased slope. Below is a summary of the proposed measures:

1. Horizontal and vertical vegetation management would be implemented along the entire length of the private driveway and around the existing and proposed structures on the Behrens Family Winery property to create defensible space. This would include vegetation management and modification 10 feet horizontally and 15 feet vertically along all access roads and 100 feet around buildings in accordance with Napa County Fire Department requirements; and
2. Additional vegetation management will be employed in strategic locations along the driveway to improve line of sight.

The County Engineering Division has discussed the request with the Napa County Fire Department and has conducted two site visits. Engineering staff recommends approval of the requested road exception, subject to recommended conditions in their memo of June 9, 2016. The proposed improvements are shown to meet the same overall practical effect of the RSS while preserving the unique features of the natural environment by implementing a vegetation management plan for the private lane and employing additional vegetation

management at strategic locations along the driveway. The proposed improvements in the request would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

To approve a RSS Exception request, the Planning Commission must find that the project satisfies essentially two requirements: 1) The exception will preserve the unique features of the environment, which includes, but is not limited to, natural water courses, steep slopes, geologic features, heritage oak trees, other trees of at least 6" dbh and found by the decision maker to be of significance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences, or the like; and 2) Find that the exception, as conditioned, provides the same overall practical effect as the RSS toward providing defensible space, and consideration toward life, safety and public welfare. The Engineering Services Division and the Fire Department have reviewed the proposed request and support the applicant's proposal, recommending approval of the exception.

Variance – A Variance is requested to allow construction of the proposed hospitality building and bathroom building and expansion of the existing winery building approximately 100 feet within the 300 foot winery setback from the private driveway from Spring Mountain Road which serves one additional parcel to the north of the subject site. The Variance is also required to permit the proposed barrel barn and case goods storage building approximately 50 feet within the 300 foot winery setback and to permit the proposed tank barn and covered crush pad approximately 25 feet within the 300 foot winery setback

Variances must satisfy the criteria in Government Code Section 65906 and County Code Section 18.128.060. Generally, the findings for a variance must meet each prong of a three-prong test to satisfy the statutory requirements together with additional local findings contained in the County Code. An applicant must demonstrate that: 1) they will suffer practical difficulties and unnecessary hardships in the absence of the variance, 2) these hardships result from special circumstances relating to the property that are not shared by other properties in the area, and 3) the variance is necessary to bring the applicant into parity with other property owners in the same zone and vicinity. In addition, an applicant must show that the proposed variance will not be contrary to public interest, safety, health, and welfare. To approve a variance, the Planning Commission must make all five of the required findings listed below. As discussed below, Staff believes the project site can meet all of the required findings, and thus, supports grant of the variance.

Required Findings pursuant to Section 18.128.060:

1) That the procedural requirements set forth in this chapter have been met.

Staff Comment: This requirement has been met.

2) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Comment: This property is located at the end of a private drive off of Spring Mountain Road. The property already is developed with a permitted winery as are three other parcels sharing access off the same private drive. The property is located in the Agricultural Watershed (AW) zoning district in which wineries are permitted upon approval of a use permit. The County's winery database lists seventeen other wineries in the vicinity (i.e. listed with a Spring Mountain Road address). The property meets the minimum lot size for a winery, and the applicant has provided evidence showing that the property can support the proposed expansion of the existing winery. The proposed location of the winery expansion will not meet the 300 foot setback from the private drive, which provides

access to one other parcel past the winery

Special Circumstances: The property's topography consists of very steep slopes and encompasses Spring Mountain itself. Seventy-five percent of the 20-acre parcel (roughly 15 acres) is over 30% slope. The applicant has provided a site plan (Attachment L) confirming that there is no location on the property outside of the 300 foot setback that is under 30 percent in slope. Therefore, any development on these areas would require significant grading and a use permit exception to the Conservation Regulations (NCC §18.108.060(A)). The unique shape of the property places the areas of moderate slope near the private drive, which creates an exceptional and extraordinary hardship that is not common to many properties, if any, in Napa Valley. As shown in the exhibits prepared as part of the Variance application packet (Attachment G), while the surrounding properties include ample areas outside of the required 300-foot winery setback from the access roadway with slopes of less than 30%, the project site has none. The special circumstances of the project site are not shared by other properties within the vicinity.

Unnecessary Hardship: By adhering to the strict application of the setback, building any new winery structures on this property would be impossible without costly and environmentally damaging hillside grading, thus creating a severe hardship not experienced by other properties in the County under identical zoning. The strict application of the setback would create an extraordinary hardship on this property that will prohibit the winery expansion. Meeting the setback would provide two practical difficulties. First, meeting the setback would require the placement of new winery buildings approximately 300 feet away from the existing winery. Spacing winery structures and associated operations over 300 feet apart results in: a) increased impervious surfaces; b) increased infrastructure (pipes, power lines, etc.) to serve the facility; and c) much less efficient winemaking operations.

Second, the project engineer, Applied Engineering, has estimated the approximate cost of the work required to complete the development outside the setback. The estimate evaluated costs for increased rough grading to build a road and grade a pad for the proposed winery structures as well as extending utilities to that location. The estimate, assuming the Commission would be willing to make the necessary use permit exemption findings to grade slopes in excess of 30%, totaled an additional cost of \$250,000 to \$350,000 to construct outside the setback. This estimate excludes any cost of mitigation that may be required to reduce impacts of development on such steep slopes.

Granting the variance would be consistent with other properties in the vicinity that also take access from the same private drive. An adjacent parcel contains the Sherwin Family Vineyards winery (APN 020-300-045), which is within the 300-foot setback from the private drive. Barnett Vineyards (APN 020-300-047) also takes access from this private drive, and its structures are located within 300 feet of the access drive. Lastly, Smith-Madrone winery (APN 020-300-086) takes access from this same private drive and is located within the 300 foot setback. Sherwin Family Vineyards, Barnett Vineyards, and Smith-Madrone are under identical AW zoning.

3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Staff Comment: The AW zoning district allows a winery on this property subject to the approval of a Use Permit. The property complies with the development standards for a winery in all other manners other than the setbacks from a Private Driveway. The existing winery was granted a use permit, and all of the findings necessary for the granting of a use permit can be made. The project is consistent with the General Plan. The granting of this variance is necessary to allow the approval of the Use Permit Modification for the winery, and the preservation and enjoyment of property rights enjoyed by other properties in the AW zoning district. The variance does not allow a use that is not normally permissible on AW zoned properties, so it does not grant a special privilege. (*See Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal. App. 4th 997 (variance grants a special privilege where the variance allows a use not otherwise allowed in subject zoning district).)

4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Staff Comment: There is nothing included in the variance proposal that would adversely impact the public health, safety, or welfare of the County of Napa. Construction of the new buildings would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance to the winery road setbacks would not adversely affect the health or safety of persons residing or working in the neighborhood of the property. The proposed winery structures and site development would be screened from neighboring properties by natural vegetation and terrain. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which would incorporate these comments into the project to assure protection of public health, safety, and welfare.

5) Findings 5, 6, and 7 pertain to groundwater use, and the applicable finding depends on whether the project is located in a groundwater deficient area (#5), outside of a groundwater deficient area (#6), or connecting to a public water supply (#7). In this case finding #6 applies with operative language as follows: "...substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin..."

Staff Comment: As set forth in the attached initial study MND hydrologic section and water availability analysis the report demonstrates that the parcel has a long term average annual recharge rate of 7.9 acre-feet per year to support the winery and other water uses on the property (1.59 acre-feet per year) The project does not have a significant impact on groundwater resources and this finding can be met. (Refer to groundwater availability discussion below).

Visitation and Marketing - The application proposes a maximum of 32 visitors per day and eight (8) marketing events per year, which would be catered. The largest event would host up to 100 guests. The attached winery comparison tables (Attachment M) compare the proposed Behrens Family Winery modification with wineries that currently have an annual permitted production capacity of 20,000 gallons are within five miles of the subject site. The proposed winery has a similarly sized visitation and marketing plan as comparable to by-appointment only wineries. This marketing is not out of scope with what has been approved at similarly sized wineries.

Biological Resources - Native vegetation of the general area consists of oak woodland and coniferous forest. Construction during the nesting season of February 1 to July 9 has the potential to impact Northern Spotted Owls (NSO) within potentially suitable habitat at the project site. Accordingly, a mitigation measure which would require preconstruction surveys for NSO prior to commencement of vegetation removal and earth-disturbing activities during nesting season from February 1 to July 9 by a qualified wildlife biologist within 500-feet of earthmoving activities is needed. The implementation of this mitigation measure would reduce potentially significant impacts to a level of less than significant.

Traffic and Parking - According to the study, the intersection of Spring Mountain Road/Saint Helena Road/shared use private driveway is projected to continue to operate acceptably at LOS A under cumulative conditions (2030). As indicated in the study, "project traffic during harvest will not produce any significant operational impacts (level of service or delay) at the SR-29/Madrona Avenue-Fulton Lane intersection in St. Helena during harvest Friday or Saturday PM peak traffic conditions for existing, near term (year 2020) or the cumulative (year 2030) analysis horizons. The intersection will maintain acceptable LOS B or C operation during both the Friday and Saturday PM peak traffic hours with the addition of up to four new project vehicles per hour" (*Traffic Impact Report Behrens Family Winery, 2015*). No more than two additional truck trips per week would be generated by the proposed process wastewater hold and haul system, if that wastewater disposal option is selected. By comparison, a single family residence is anticipated to generate approximately 9.57 new daily trips per day based upon the ITE Trip Generation Manual, 9th Edition. Therefore, the project would result in a nominal increase in trips on the study

roadways. Additionally, a project specific condition would ensure that all additional marketing events be scheduled outside peak weekend (3:30 PM to 4:30 PM) and weekday (3:15 PM to 4:15 PM) traffic hours.

After implementation of the proposed project, the site would continue to be accessed via the existing driveway to Spring Mountain Road. The Traffic Impact Report stated that sight distance at the Behrens driveway that is shared with the Sherwin Family Vineyards and intersects the outside of a 90-degree curve on the local shared use driveway system is equal to or greater than the minimum required stopping sight distances to both the west and south. Installation of a stop sign on the southbound private driveway approach to Spring Mountain Road/Saint Helena Road intersection was recommended in the traffic study and would be addressed via the implementation of a mitigation measure. Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as conditioned.

The project site includes seven (7) existing parking spaces and one (1) additional parking space (ADA) is proposed as part of the project. Based upon the County standard of 2.6 persons per vehicle during weekdays and 2.8 persons per vehicle during weekends and 1.05 persons per vehicle for employees the minimum parking required for daily activities would be 19 parking spaces. However, it is unlikely that the winery would host 32 visitors at one time because tasting would be via appointment only and it is also unlikely that all seven employees would be working at the winery at one time.

Groundwater Availability - There is one (1) well on site. According to the Water Availability Analysis (WAA) prepared by Richard C. Slade & Associates, the well was drilled in 1999, has a depth of 625 feet and a yield of 5 gpm (*Results of Napa County Tier 1 Water Availability Analysis, 2016*). According to the WAA, the minimum mean annual recharge for the project site is estimated at 7.6 ac-ft/year. Existing water demand for the site is 1.21 AF/YR. The WAA concluded that sufficient water would be available to serve the proposed project. According to the WAA, a total future demand of 1.59 AF/YR, representing a 0.38 AF/YR increase, would be required to serve the site which is below the parcel's estimated water recharge noted above. In summary, the existing yield would be sufficient to serve all uses on the property. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. Impacts would be less than significant as there is sufficient water supply available to serve the proposed project.

Wastewater - According to the Onsite Wastewater Disposal Feasibility Study prepared by Applied Civil Engineering on June 9, 2015, the project site and proposed system has adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

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 F. The applicant proposes to incorporate additional GHG reduction methods including: planting of additional trees; incorporation of alternative fuel and electric vehicles in the winery's fleet; development of a Transportation Demand Management plan; solar hot water heating; energy conserving lighting; installation of cool roofs; bicycle incentives; installation of water efficient fixtures; low impact development; installation of water efficient landscaping; recycling 75 percent of all waste; composting 75 percent of food and garden material; implementing a sustainable purchasing and shipping program; planting of shade trees within 40 feet of the south side of building elevations; installation of electric vehicle charging stations; site design to take advantage of opportunities for natural heating and cooling; minimizing tree removal and grading; use of recycled materials; local food production; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and avoiding the burning of pruned material on site.

Grape Sourcing - The existing parcel consists of 0.6 acres of vineyards. The remaining grapes would come from grape growing contracts ensuring compliance with the County's 75 percent rule. According to the applicant, approximately 86 percent of the approximately 70,000 tons of grapes purchased in 2015 were from Napa County.

The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule.

Public Comments - At the time of staff report preparation, nine public comment letters had been received in support of the project.

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 project alternative which would deny the variance request and exception to the Napa County RSS.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed expansion to a 20,000 gallon per year winery and variance request. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. As discussed above, staff has reviewed the current proposal and found it to address the code violation issues. Staff has reviewed the Variance request and the evidence submitted and believes the findings can be met. The requested visitation and marketing program is similar in size to those of 20,000 gallon per year production wineries with by appointment visitation. The applicant also proposes to incorporate GHG reduction measures as part of the project.

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 with the implementation of mitigation measures for biological resources and transportation/traffic.

Option 2 - Denial of the Variance and/or Exception to the Napa County RSS Project Alternative

Disposition - This option would require the removal of the existing non-conforming structures within the winery setback, as well as, the construction of the new structures outside of the 300-foot winery setback. It would also require the improvement of all sections of the existing access road to Spring Mountain Road to Napa County RSS. Both actions would result in increased mature tree removal as well as grading on steep slopes. Potential grading associated with the new structures would likely require an exception from the conservation regulations because it would require disturbance of slopes in excess of 30 percent.

Action Required - Direct staff to evaluate impacts related to requiring the removal of the existing structures within the winery setback, as well as, the construction of new structures outside of the 300-foot winery setback, and/or the improvement of the access road to Napa County RSS. If new impacts are identified or if existing impacts are determined to be greater than those described in the MND, then a new CEQA document will be prepared and sent out for public comment. The item will need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification and Variance, 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 modification and Variance is not being approved. Based on the administrative record as of the issuance of this staff report, there

does not appear to be any evidence supporting denial of the project.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a 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 . Previous Project Conditions and Notice of Violation
- D . Initial Study/Mitigated Negative Declaration
- E . Public Comments
- F . Use Permit Application Packet
- G . Variance Application Packet
- H . Exception to Napa County Road and Street Standards Application Packet
- I . Water Availability Analysis
- J . Wastewater Feasibility Study
- K . Traffic Study
- L . Graphics
- M . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina