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Agenda Date: 5/2/2012

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

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

REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355

SUBJECT: Rombauer Vineyards - Koerner Rombauer - Variance Request # P10-00038 & Use Permit Major Modification #P10-00039

RECOMMENDATION

ROMBAUER VINEYARDS - KOERNER ROMBAUER - VARIANCE REQUEST #P10-00038 & USE PERMIT MAJOR MODIFICATION #P10-00039

CEQA Status: Negative Declaration Prepared. According to the Negative Declaration, the proposed project would not have any potentially significant effects. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: A Variance (#P10-00038) to allow Rombauer Vineyards to construct a new 8,740 square foot administrative building 420 feet where 600 feet is required from the centerline of Silverado Trail. A Use Permit Major Modification (#P10-00039) modifying prior Use Permit Modification #96010-MOD to allow the following: 1) construction of a new 8,740 square foot administration building consisting of one main floor with a basement for office, lab, and work areas, including a kitchen for employee use only; 2) temporarily convert existing barrel storage space (1,889 square feet) located in the main winery building for use as interim offices during the construction of the new administration building; 3) increase the number of parking areas from two (2) to four (4) and increase the number of parking spaces from a total of twenty-six (26) to seventy-four (74); 4) eliminate the custom crush and alternating proprietor restrictions contained in Condition #2 of Use Permit Modification #96010-MOD; 5) increase the number of full-time employees from eighteen (18) to twenty-five (25); 6) add an additional four (4) part-time interns for a total of nine (9) part-time employees; 7) extend the days of operation of the winery to seven (7) days per week (originally authorized Monday-Friday); 8) clarify the hours of operation during harvest (from 6:00 a.m. to midnight); 9) revise the existing tours and tastings plan to include ten 8-person food and wine pairings within the existing maximum 400 person per day limit; 10) revise the existing marketing plan to include four 250-person wine club events per year; 11) expand the tasting room (2,500 square feet) and allow seasonal tastings in its unenclosed patio area (700

square feet); 12) allow marketing events to occur in the existing caves; 13) designate on-premises wine consumption areas including outdoor picnicking pursuant to AB 2004; 14) include a 350 square foot "plating area" in the expanded tasting room to be used for the catered marketing events and for the winery staff to plate tasting items for food and wine pairings; 15) extend the hours for retail sales, tours, and tastings to conclude at 6 pm (originally authorized from 8:00 a.m. to 5:00 p.m.); 16) installation of a gated access approximately 620 feet from the winery entrance off Silverado Trail; and 17) construction of an interior Road Modification for localized narrowing of the existing upper driveway and to reduce inside radius of curvature over a short section of roadway [Exception to the Napa County Road and Street Standards (RSS) for road modification]. There is no change requested in production of 450,000 gallons per year. The project is located at 3522 Silverado Trail, St. Helena, CA 94574; APNs 021-410-025, 021-410-022, & 021-410-021.

Staff Recommendation: Adopt the Negative Declaration and approve the project as conditioned.

Staff Contact: Charlene Gallina, Supervising Planner; (707) 299-1355; Charlene.Gallina@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration for the Rombauer Variance request and Use Permit application based on Findings 1-5 of Exhibit A;
2. Approve a Variance (#P10-00038) based on Findings 6-10 of Exhibit A;
3. Approve Use Permit Major Modification (#P10-00039) based on Findings 11-15 of Exhibit A and subject to the Conditions of Approval (Exhibit B); and
4. Road Modification based on Findings 16-17 of Exhibit A and subject to the Conditions of Approval (Exhibit B).

Discussion: The project consists of a request for a larger administrative building then originally envisioned in 1996 through Use Permit Modification #96010-MOD. Rombauer Vineyards has also determined that it needs to expand its tasting room, provide food/wine pairings, provide on-premise consumption within existing winery hospitality areas, add limited marketing events, formalize the use of their existing cave for marketing events, modify its hours of operation, and increase the number of visitor parking spaces to provide an enhanced visitor experience. Staff has no objections to Rombauer Vineyard's request, and finds the project consistent with the Napa County Winery Definition Ordinance and other applicable provisions of the Zoning Ordinance, subject to standard conditions.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration Prepared. According to the Negative Declaration, the proposed project would not have any

significant effects. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Koerner Rombauer, Trustee and Koerner Rombauer III; (707) 963-5170

Representative (Attorney): Charles W. Meibeyer, Meibeyer Law Group; (707) 963-7703

Zoning District: AP (Agricultural Preserve)

General Plan Designation: AR (Agricultural Resource)

Original Application Filed: February 8, 2010

Re-submittals filed: July 21, 2011

Application Deemed Complete: January 26, 2012

Parcel Size – Existing: 43.74 total

APN: 021-410-025 (31.85 acres) – Rombauer Vineyards (Proposed Project Location)

APN: 021-410-021 (2.77 acres) - Existing Residence (Proposed Spoils Disposal Area)

APN: 021-410-022 (3.97 acres) – Existing Residence, 150,000 gallon water tank recently approved & currently being installed

APN: 021-410-024 (5.15 Acres) – Existing Rombauer Residence (Not a part of project)

Parcel Size – Proposed: No Change

Winery Size – Existing: Winery 45,562 sq.ft.; Temporary Modular Offices; 2,050 sq.ft.; Cave 26,340 sq.ft.

Winery Size – Proposed: Winery - 45,565 sq.ft.; Administrative Building 8,740 sq.ft.; Cave - No Change

Production Capacity – Existing: 450,000 gallons/year

Production Capacity – Proposed: No Change Requested

Accessory/Production Ratio – Existing: 9% (40% Allowed)

Accessory/Production Ratio – Proposed: 16%

Winery Coverage – Existing: 10.9% (25% allowed)

Winery Coverage – Proposed: 12.2%

Number of Employees – Existing: 18 full-time; 5 part-time

Number of Employees – Proposed: 25 full-time and 9 part-time (seasonal harvest)

Hours of Operation – Existing: 8:00 am to 5:00 pm; 5 days per week

Hours of Operation – Proposed:

8:00 am to 5:00 pm; 5 days per week (Winery Office)

10:00 am to 6:00 pm; 7 days per week (Tasting Room)

Harvest Operations – 6:00 am to Midnight (7 days per week)

Wine Club Events – Scheduled Between 4:00 pm and 7:00 pm.

Tours & Tastings – Existing: (Appointment Only)

Private Tours & Tastings Only - An average of 2,000 per week and 400 on the peak day (authorized)

Tours & Tastings – Proposed:

No Increase to maximum permitted

Adding Food & Wine Pairings – 10 pairings per day for a maximum of 8 persons (included in the maximum 400 persons per day limit)

Marketing – Existing: (Invitation Only)

Wine Club Release Event (July or August) - 1 per year, maximum of 300 persons;

Wine Auction Event – 1 per year; maximum of 40 persons;

Barrel Tasting Event – 1 per year; maximum of 40 persons; and

Lunches or Dinners Event – 4 per month; maximum of 40 persons.

Marketing – Proposed: (Added Events to Existing Events)

Wine Club Events – 4 per year; maximum 250 persons

Wine Club Release Event (Eliminate Reference to time of year)

Parking – Existing: Minimum of 12 off-street parking spaces (authorized); 26 parking spaces (10 spaces near entrance of winery tasting room; 16 spaces near proposed location of the new office building) installed

Parking – Proposed: 74 parking spaces (6 spaces additional near entrance of winery tasting room; 2 additional spaces near the proposed location of the new office building); Two additional parking areas will be installed providing a total of 40 spaces.

Adjacent General Plan Designation/Zoning District/Land Use

Northerly: Agricultural Resource (AR) General Plan designation; Agricultural Watershed (AW) Zoning; predominately forested wineries, vineyards and residential uses.

Southerly: Agricultural Resource (AR) General Plan designation; Agricultural Preserve (AP) Zoning; wineries, vineyards, and residential uses.

Westerly: Agricultural Resource (AR) General Plan designation; Agricultural Preserve (AP) Zoning; predominately forested and oak woodland.

Easterly: Agricultural Resources (AR) and Agricultural, Watershed & Open Space (AWOS) General Plan designation; Agricultural Watershed (AW) Zoning; predominately forested wineries, vineyards and residential uses.

Nearby Wineries (within ½ mile the project site): Source - County Winery Data Base

Casa Nuestra – 3451 Silverado Trail; 1,000 sq.ft. producing 5,000 gallons per year; Tours & Tastings - Public

Ehren Jordan Wine Cellars – 3530 Silverado Trail; 15,000 sq.ft. producing 25,000 gallons per year; 13,276 sq.ft. cave; Tours & Tastings – By Appointment Only (Average Visitors per Week - 10)

Hunnicut Winery – 3524 Silverado Trail; 28,538 sq.ft. producing 60,000 gallons per year; 24,100 sq.ft. cave; Tours & Tastings – By Appointment Only (Average Visitors per Week – 21)

Chateau Boswell – 3468 Silverado Trail; 7,200 sq.ft. producing 48,000 gallons per year; Tours & Tastings – Public (Average Visitors per Week - 10)

Boeschen Winery – 3242 Silverado Trail; 6,360 sq.ft producing 10,000 gallons per year (maximum allowed 20,000); 5,000 sq.ft. cave; Tours & Tastings – By Appointment Only (Average Visitors per Week - 16)

Parcel History & Evolution of this Application:

March 4, 1982 – Small Winery Use Permit Exemption was denied by the CDPD.

May 19, 1982 – The Planning Commission approves Use Permit U-338182 allowing the construction of a three story 23,750 sq.ft. winery with a production capacity of 48,000 gallons per year, no public tours and tasting, and a minimum of 12 off-street parking spaces. Hours of operation – 9:00 a.m. to 4:00 p.m., 5 days per week; Number of Employees authorized – 2 (1 full time, 1 part-time).

October 19, 1983 – The Planning Commission approves Use Permit U-188384 allowing an increase in production capacity from 48,000 gallons per year to 120,000 gallons per year, increase the employees to five, allow additional wine storage tanks and extend the hours of operation to 8 am to 5 pm. No other changes were requested and conditions of approval relative to Use Permit U-338182 applied to this action.

September 19, 1997 – Zoning Administrator authorizes 97052-S for the installation of two standard 3 - sq.ft. directional signs in the right-of-way of Silverado Trail.

June 3, 1998 – The Planning Commission approves Use Permit Modification #96016-UP allowing expansion of the existing winery in one phase (refer to description below under November 24, 1998).

June 9, 1998 – Appeal of Planning Commission decision was submitted from Casa Nuestra, neighbor to the south on Silverado Trail.

November 24, 1998 – The Board of Supervisors considers an appeal of the project and upholds approval of Use Permit Modification #96010-MOD allowing expansion of the existing winery in one phase as follows: 1) increase annual production from 120,000 to 450,000 gallons; 2) utilize 26,340 sq.ft. of new cave for bulk wine storage only; 3) authorize 20 custom production operations, including 5 alternating proprietors using up to 300,000 gallons/year of the winery production; 4) construct a 3,200 sq.ft. slab for a covered production area; 5) construct a total of 19,680 sq.ft. of roof over the existing outdoor and new production area including covering the crushing, processing and storage operation areas, and involving the construction of a retaining wall approximately 110 feet in length; 6) construct a 1,980 sq.ft. winery addition for office, lab and work area; 7) increase the number of employees from 5 to 18; 8) add 16 parking space; 9) install new fermentation and storage tanks; 10) install a new pressurized leach field system for the process wastewater and a new leach field for the domestic wastewater; and 11) realign entry road. Conditions of approval limited visitors to the winery for tours and tastings by appointment to an average of 2000 per week and 400 on the peak day. At least 75% of the grapes used to make the winery's additional 330,000 gallon/year production were restricted to the County of Napa. Marketing events were restricted as previously described above.

A considerable amount of work not covered by the previous use permit approval in 1983 occurred at the winery. Caves (26,000 sq.ft.) were drilled, production increased to more than double the previous use permit level, areas were filled and paved areas had been increased. As a result, approval of UP #96010-MOD remedied all inconsistencies and unpermitted work to date.

August 10, 2006 – Administrative approval of a Very Minor Modification (P06-01108) to permit an additional roof configuration, recognize the existing roof cover configuration and allow the temporary use of two (2) modular offices which total 1600 sq.ft. in size (800 sq.ft. each) for up to three years (August 10, 2009).

April 6, 2010 – Administrative approval of a Very Minor Modification (P10-00036) renewing the use of the Temporary Office Trailers until final on the current Use Permit #P10-00039 or upon expiration of that permit on April 6, 2012.

June 13, 2011 – Administrative approval of Very Minor Modification (P11-00172-VMM) to install a 150,000 gallon water tank for fire protection. (APN#021-410-022)

Code Compliance History:

April 24, 1990 – Correspondence sent by CDPD notifying the property owner that helicopter landings on APN 021-410-025 are not authorized and subject to use permit approval.

September 5, 1995 – Correspondence sent by CDPD notifying the property owner that custom production activities were subject to use permit modification or may be eligible to the “Certificate of the Extent of Legal Nonconformity” (CLN) if activities predated February 22, 1990 and has been continuously conducted.

Discussion Points:

Setting - The project site is at an elevation of 250 Mean Sea Level (MSL) and is situated on a forested knoll in the northeastern portion of Napa Valley on the west side of Silverado Trail .75 mile north of Glass Mountain Road and ½ mile south of Crystal Springs Road. The existing Rombauer Vineyards winery is located 600 feet upslope from Silverado Trail. It is nestled within Pacific Douglas Fir trees and oak woodlands at the base of the knoll on the southwest side. The knoll is subdivided into four parcels totaling 43.74 acres. The project site has been developed since the 1980s. The Rombauer Vineyards Winery (47,612 sq.ft.), a cave with four entrances (26,340 sq.ft.), vineyards and a four bedroom guest house/pool occupies 31.85 acres (APN#021-410-025). A single family residence at the very top of the knoll occupies 5.15 acres (APN#021-410-024) and is not a part of this application request. The remaining parcels (APN#021-410-021 and APN#021-410-022) are occupied by an existing residence, the water tank, and an existing access road.

Proposal – Under Use Permit Modification #96010-MOD, the Winery was authorized in 1998 to construct a 1,980 sq.ft. winery addition for office, lab and work area. However, barrel storage operations and other physical improvements of the winery took precedence over the years and the office, lab and work area was never constructed. Upon reassessment of the Winery and its place in the wine market, additional personnel was hired and the need for a larger office building then originally envisioned in 1996 is now desired. The Winery has also determined that it needs to expand its tasting room, provide food/wine pairings, and increase the number of visitor parking spaces to provide an enhanced visitor experience. To set all this in motion, a Very Minor Modification P10-00036-VMM was approved in 2010 to renew the use of temporary office trailers (2,050 sq.ft.) until a permanent administrative office could be authorized by the County.

New Administrative Building – The proposed administrative building will be larger (8,740 sq.ft.) than the previously approved addition because the Winery proposes to construct a basement below the main floor for additional storage for office and other accessory uses. This proposed building will not be attached to the current winery building. Therefore, it will require additional space within the building to accommodate its own heating and ventilation system and accompanying machinery. Attic space will also be utilized for office storage areas and mechanical equipment. Lastly, the Winery proposes to construct a kitchen in this building for employee use only.

As proposed, the architecture of the building will consist of wood shingles with metal clad windows and a metal roof to match the existing winery. A wood deck and rail will be included that faces out to the east and rear elevation. French doors will open out to the deck. The exterior finish of the exposed basement elevation will be stucco with a French door providing employee access onto the basement patio. The proposed mid-roof height of the building is 29 feet.

Silverado Trail Roadway Setback Variance Request – Due to the steep terrain on this knoll site, there is no buildable site on the parcel located outside the required Silverado Trail 600 foot setback. The proposed administrative building will be located 420 feet from the centerline of Silverado. The only portion of the parcel that falls outside the 600 foot setback has a steep slope and would require the removal of a significant number of trees for the construction of the building, employee parking and road improvements needed to meet safety standards. Use of this specific building location, in which a 2,050 sq.ft. temporary office trailer and employee parking already exists, as well as, the existing access road would avoid significant adverse impacts to the parcel.

Since the administrative office building will be located on a steep knoll, the building will appear to be further away from the centerline of Silverado Trail. Furthermore, the proposed building will be entirely screened from view from any location outside the winery's parcel by existing trees, specifically Pacific Douglas firs. Only four trees are proposed to be removed to accommodate construction of the administrative building. Other proposed winery improvements will also be screened from view due to existing trees. Seen as a whole, nothing in this project would substantially alter a scenic vista or substantially degrade the existing visual character of the site or its immediate surroundings.

Interim Office Space - As a result of the need to remove the temporary trailers off-site before construction commences and the need to relocate the office employees during the construction period, the project site has no adequate location to relocate the 2,050 sq.ft. temporary trailers. Therefore, the winery proposes to temporarily relocate the office employees to a 1,889 sq.ft. portion of the existing barrel storage area in the main winery building. Once the certificate of occupancy is issued for the new office building, the interim office space will be converted back to barrel storage.

Tasting Room Expansion – To accommodate marketing needs, the winery proposes to expand its existing tasting area located in the Winery building to add a total of 2,500 sq.ft. and to utilize the 700 sq.ft. enclosed patio for seasonal tastings. A 350 sq.ft. Plating Area within the addition will be utilized for catered marketing events and for the Winery staff to plate tastings items included in the food and wine pairings. In addition, the Winery is requesting authorization to conduct seasonal tastings using a portable bar in its non-enclosed patio area located at the entrance to the currently approved tasting room. The Winery does not propose increasing the 400 maximum daily by appointment visitation limit, but to provide additional space for its current level of visitation in order to enhance the winery experience for visitors. This is permissible because the Winery is staying within the Accessory to Production space ratio, and they are not expanding any pre-

Winery Definition Ordinance rights.

Parking – The current use permit authorized twenty-six (26) parking spaces. Ten (10) spaces are located near the entrance to the tasting room and the remaining sixteen (16) are located near the proposed location of the new office building. Under the project proposal, the parking area near the tasting room can accommodate an additional six (6) spaces and the parking area near the new office building can accommodate two (2) additional spaces for a total number of spaces sixteen (16) and eighteen (18), respectively.

The proposal also identifies two (2) additional parking areas will be installed bringing a total of four (4) areas to the project site and increasing the total number of parking spaces from twenty-six (26) to seventy-four (74). The number of parking spaces required has been calculated at fifty-nine (59) spaces. One area will be located at the northern entrance to the caves and will be used for valet parking and for visitors and employees. This parking area will accommodate twenty-eight (28) parking spaces. The second parking area will be located at the northwest corner of the Winery parcel and will accommodate twelve (12) parking spaces. This parking area will be used as overflow parking for events, and to valet park the tours and tastings visitors.

Interior Road Modification Request - The project site is accessed from a private drive located off Silverado Trail which includes a left turn storage lane on Silverado Trail. The applicant has proposed interior road modifications which will localize narrowing of the existing upper driveway and reduce the inside radius of curvature over a short section of roadway. The Department of Public Works has reviewed this request and recommends approval of an exception to the required Napa County Road and Street Standards (RSS) with standard conditions based on existing environmental and physical constraints. The Napa County Fire Marshal has also reviewed this application and has likewise identified no significant impacts related to emergency vehicle access provided that standard conditions of approval are incorporated.

Climate Action Plan/Greenhouse Gas Emissions – The County's proposed October 31, 2011 Draft Climate Action Plan (CAP), as revised, would require discretionary projects to reduce their emissions 38% below "business as usual" in 2020 by applying a combination of State, local, and project-specific measures. Since the CAP is not formally adopted, it is not considered a significance threshold for CEQA purposes. Nonetheless, the project was considered in light of the proposed CAP, and although quite small when compared to the Bay Area Air Quality Management District (CEQA Guidelines) screening criteria and thresholds, the applicant would find it challenging to reduce emissions by 38% unless the project could take credit for GHG reductions that have occurred at the winery since 2005 or find another way to offset emissions from the projected increase in vehicle trips. The project's "business as usual" (BAU) conditions has been calculated at 262 MT CO₂e. Application of Greenhouse Gas Emission reductions from local programs and project level actions, including the CalGreen Building Code, improved fuel efficiency standards, and the County's Water Efficient Landscape Ordinance and on-site programs, such as connection of the proposed administrative building to the Winery's existing solar energy system, would all reduce emissions below the "business as usual" level, and make it feasible to approach the proposed 38% requirement.

Consistency with Standards:

Zoning – A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030) are permitted in the AP (Agricultural Preserve) District with an approved use permit. A variance is required to allow the proposed administrative building to be

located within the required six hundred foot setback from the centerline of Silverado Trail (refer to Napa County Code Section 18.104.230). Based upon discussion provided above, staff is recommending approval of the variance request. The project as conditioned complies with all other requirements of the Zoning Code.

Department of Public Works – Recommends approval with standard conditions in attached Memorandum dated January 20, 2012, January 19, 2012 (Road Modification), and March 30, 2012.

Department of Environmental Management – Recommends approval with standard conditions in the attached Memorandum dated October 12, 2011 and revised April 19, 2012.

Fire Department – Recommends approval with standard conditions in the attached Inter-Office Memo dated August 2, 2011.

SUPPORTING DOCUMENTS

- A . Exhibit A - Draft Findings
- B . Exhibit B - Draft Conditions of Approval
- C . Department Comments
- D . Initial Study - Negative Declaration
- E . Greenhouse Gas Emissions & Reduction Analysis
- F . Previous Conditions & Approvals
- G . Application Packet
- H . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina