



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 6/5/2013

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for Hillary Gitelman - Director  
Planning, Building and Environmental Services

**REPORT BY:** RONALD GEE, PLANNER III - 707.253.4417

**SUBJECT:** HONIG VINEYARD AND WINERY LLC / TONY BENEDETTI – HONIG VINEYARD AND WINERY  
USE PERMIT MAJOR MODIFICATION # P11-00405-MOD

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### RECOMMENDATION

#### **HONIG VINEYARD AND WINERY, LLC / TONY BENEDETTI - HONIG VINEYARD AND WINERY USE PERMIT MAJOR MODIFICATION # P11-00389-MOD**

**CEQA Status:** Mitigated Negative Declaration Prepared. New environmental effects resulting from proposed changes, altered conditions or new information are addressed in the Initial Study; there are no changes proposed in this project which require major revisions to the previous environmental document. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval to modify Use Permits # 38485, # 92150-MOD, # 93271-MOD, # 95593-MOD, # 02009-MOD, # 03008-MOD, # P04-0461 and # P12-00132 to allow the following: 1) An increase in the approved annual production from 150,000 gallons per year to 300,000 gallons per year; 2) Construction of a new 10,080 square feet barrel storage building with 3,680 square feet uncovered work areas; 3) Installation of six new wine storage tanks under a covered crush pad; 4) An increase in the permitted number of employees from 12 to 30; 4) Expand visitation to increase maximum daily tours and tastings from 10 to 100 people; 5) Expand the marketing plan to add to the existing four events per year with 50 people with four new events per year with 100 guests; 6) Increase hours of operation Monday-Sunday from 7:00 AM-5:00 PM to 7:00 AM-6:30 PM; 7) Increase visitation hours Monday-Sunday from 9:00 AM-5:00 PM to 9:00 AM-6:30 PM; 8) Allow on-site sale and consumption of wine pursuant to AB 2004; and 9) Upgrade the existing septic and process wastewater treatment and disposal system. The project is located on a 67.0 acre site off a private road on the north side of Rutherford Road (SR 128), approximately 1.25 miles east of St. Helena Highway (SR 29) in the AP (Agricultural Preserve) District; 850 Rutherford Road, Rutherford, APN 030-090-003.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the Use Permit Modification as conditioned.

**Staff Contact:** Ronald Gee, (707) 299-1351, [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org)

**Representative Contact:** Jeffrey Redding, (707) 255-7375

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, based on Findings 1-5 of Exhibit A; and
2. Approve Use Permit Major Modification # P11-00389-MOD based on Findings 6-10 of Exhibit A and subject to the recommended conditions of approve in Exhibit B.

### **Discussion:**

The applicant requests modification of use permits for a winery operating since 1982 (refer to history below) to increase annual production from 150,000 gallons per year to 300,000 gallons per year; construct a new 10,080 square foot barrel storage building with 3,680 square feet uncovered work areas; allow installation of six new wine storage tanks under a covered crush pad; increase the permitted number of employees from 12 to 25; expand visitation to increase maximum daily tours and tastings from 10 to 100 people; expand the marketing plan to add to the existing four events per year with 50 people with four new events per year with 100 guests; increase hours of operation Monday-Sunday from 7:00 AM-5:00 PM to 7:00 AM-6:30 PM; expand visitation hours Monday-Sunday from 9:00 AM-5:00 PM to 9:00 AM-6:30 PM; allow on-site sale and consumption of wine pursuant to AB 2004; and upgrade the existing septic and process wastewater treatment and disposal system.

Staff has no objections to the request and finds the project consistent with the Winery Definition Ordinance and other applicable provisions of the Zoning Ordinance and General Plan, subject to standard conditions of approval.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Mitigated Negative Declaration Prepared. Mitigation measures include installation of a shared left-turn lane along eastbound Rutherford Cross Road/SR 128 with the Round Pond Winery and a winery employee carpooling program. The proposed winery production and employee increase, marketing plan and visitation expansion, new warehouse structure and related improvements will not be located in any identified biologically or archaeologically-sensitive areas and will take place on previously-disturbed areas. The document identifies new baseline thresholds for winery operations and analyzes potential Air Quality impacts and Greenhouse Gas Emissions. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owners:** Honig Vineyard & Winery LLC / Tony Benedetti, (707) 963-5618, ext. 309

**Representative:** Jeffrey Redding, AICP (707) 255-7375

**Zoning:** AP ( Agricultural Preserve)

**General Plan Designation:** AR (Agricultural Resource), Napa County General Plan, 2008

**Initially Submitted:** March 1, 2013      **Determined Complete:** April 10, 2013

**Current Winery Size:** Approximately 44,244 sq. ft. winery with 38,086 sq. ft. of production area and 6,158 sq. ft. accessory use areas.

**Proposed Winery Addition:** New, detached 10,080 sq. ft. barrel storage building with 3,680 sq. ft. of uncovered work areas.

**Production Capacity:** Existing - 150,000 gallons per year  
Proposed - Increase to 300,000 gallons per year

**Visitation:** Existing - Daily, appointment-only tours and tastings with 10 tours and 10-people/day  
Proposed - Increase to 60 tours and 100-people/day with pre-packaged or caterer-prepared food pairings and allow on-site bottle consumption consistent with AB 2004

**Marketing:** Existing - Four events per year with a maximum 50 guests  
Proposed - Four events per year with a maximum 50 guests and four events per year with a maximum of 100 guests.

**Number of Employees:** Existing - 25 full-time and 3 part-time  
Proposed - Up to 30 employees

**Hours of Operation:** Existing - 7:00 AM - 5:00 PM, Monday to Sunday  
Proposed - 7:00 AM - 6:30 PM, Monday to Sunday

**Parking:** Existing - 32 parking spaces  
Proposed - No change

**Adjacent Zoning / Land Use:**

North: AP - 54, 115 and 30 acres - Vineyards and Rural Residential  
South: AP - 24.43, 34.6, 4.25 and 3.33 acres - Vineyards and Rural Residential  
East: AP - 61.46 acres - Vineyards  
West: AP - 15 and 14.1 acres - Vineyards

**Nearby Wineries (within one mile of the project site):**

Round Pond Winery - 875 Rutherford Cross Road - 100,000 gallons per year - tours and tastings by appointment  
Caymus Vineyards - 8700 Conn Creek Road - 110,000 gallons per year - public tours and tastings  
Puerta Dorada Winery - 8780 Conn Creek Road - 20,000 gallons per year - tours and tastings by appointment  
Frog's Leap Winery - 8815 Conn Creek Road - 240,000 gallons per year - tours and tastings by appointment

Beaulieu Vineyard - 1960 St. Helena Highway - 1,800,000 gallons per year - public tours and tastings  
Alpha Omega Winery - 1155 Mee Lane - 144,000 gallons per year - public tours and tastings  
Grgich Hills Cellars - 1829 St. Helena Highway - 250,000 gallons per year - tours and tastings by appointment  
Provenance Vineyards - 1695 St. Helena Highway - 85,000 gallons per year - public tours and tastings  
Conn Creek Winery - 8711 Silverado Trail - gallons per year - tours and tastings  
Quintessa Winery - 1601 Silverado Trail - 180,000 gallons per year - tours and tastings by appointment  
Round Hill Cellars - 1690 Silverado Trail - 1,250,000 gallons per year - tours and tastings by appointment  
Midsummer Cellars - 771 Sage Canyon Road - 1,000 gallons - tours and tastings by appointment

**Property History:**

Winery operations began with issuance of a Categorically Exempt, "Small Winery Use Permit Exemption" on June 6, 1982 for a 20,000 gallons/year winery in an existing 2,000 sq. ft. structure.

Use Permit # U-38485 was approved September 19, 1984 with a Negative Declaration for a 4,608 sq. ft. total winery building expansion, annual production increase to 72,000 gallons/year and to provide public tours and tasting.

Use Permit Modifications # 92150-MOD and # 93271-MOD allowed minor design changes and building expansions. Use Permit # 93271-MOD expanded winery production from 72,000 to 150,000 gallons/year and expanded barrel storage facilities to 9,975 sq. ft. with a Negative Declaration.

Use Permit Modification # 97238-MOD expanded the approved barrel building by 997 sq. ft. and added two offices to the winery mezzanine.

Certificate of the Extent of Legal Nonconformity # 97043-CLN issued on September 5, 1997. The Zoning Administrator determined that, "1) One residence is located in part within the required 20-foot side yard setback along the south property line. The minimum distance from the property line is 2 feet and the maximum length of the encroachment into the setback is 130 feet. Of this length, 94 feet of the residence is and must remain at least 6 feet from the property line. All structures within the setback area are one-story in height; and 2) A legal nonconformity exists consisting of three structures occupied by owners or agricultural employees of the subject property, located in the southeast corner of the subject 67-acre parcel in the AP (Agricultural Preserve) Zoning District, where the zoning permits only a single owner's residence and permits no other residence except as it may be occupied by an agricultural employee after receipt of a use permit. The residences are not limited in permitted square footage by the Zoning Ordinance except that any residence over 1,200 sq. ft. in size occupied by an employee is nonconforming and may not be expanded."

Use Permit Modification # 02009-MOD added by-appointment tours and tasting and construction of 480 sq. ft. additional mezzanine space for administrative purposes with a new tasting room below the mezzanine space. This action also granted an Exception to the County Road and Street Standards that recognized the existing paved 16 ft. to 19 ft. wide access roadway, with shoulder, from Rutherford Pass Road to the project site, provided the "same overall and practical effect as these standards towards providing defensible space and consideration towards the life, safety and welfare of the public." The Public Works Department stated that the existing road condition was acceptable "only in this instance" with the existing 150,000 gallons per year production level, intensity of use and site improvements. The determination was conditioned that, "Should the winery request any further changes to its use permit, the driveway will be reexamined and may need to be widened at that time."

Use Permit Minor Modification # P04-0461-UP extended the winery building by 25 feet in length.

Use Permit Major Modification # P05-0424-MOD application submitted to increase annual production from 150,000 to 300,000 gallons per year; construct a new 5,625 sq. ft. barrel storage building with up to 15 portable outdoor

storage tanks and related mechanical equipment and pads; add a 1,900 sq. ft. mezzanine to the existing bottling building for storage and administrative support staff offices resulting in a 30,000 sq. ft. winery; expand the existing crush pad area with a new awning cover; increase full-time employees from 17 to 20 plus 6 part-time employees; relocate and add 10 parking spaces for a total of 25; and construct related improvements including a new septic tank and leachfields and access road improvements. The application was placed on hold.

Use Permit Minor Modification # P12-00132-MOD allowed construction of a new 3,300 sq. ft. administration building, reconfigured the parking lot with 32 spaces and added new landscape improvements. No changes to annual winery production, visitation or number of employees were requested or approved.

The 1997 and later permits were all determined to be Categorically Exempt projects.

**Code Compliance History:** Based on a review of the County Planning and Building files, no code violations have been identified.

#### **Discussion Points:**

This application has gone through three versions since it was first submitted in 2005 as Use Permit # P05-0424-MOD to increase winery production from 150,000 gallons per year to 300,000 gallons per year with concurrent site improvements and expansion of winery operations. Due to identified traffic mitigation measure requirements to install a left-turn lane on Rutherford Pass Road/SR 128, the application was placed on hold. The application was reactivated as Use Permit # P11-00405-MOD but was again placed on hold as arrangements were made to join with Round Pond Winery to share left-turn lane design, permit and installation costs. During this second interim period, Use Permit Minor Modification # P12-00132-MOD was submitted to allow construction of a new administration building without an increase in annual winery production, visitation or number of employees. Since there was no expansion of winery operations, this minor modification was determined not to affect existing traffic levels and did not trigger installation of the left-turn lane. The application, in its current form, was resubmitted on March 1, 2013.

1. Proposal - The proposal will modify existing Use Permits for a winery operating since 1982 to increase annual production from 150,000 gallons per year to 300,000 gallons per year; construct a new 10,080 square feet barrel storage building with 3,680 square feet uncovered work areas; allow installation of six new wine storage tanks under a covered crush pad; increase the permitted number of employees to 30; expand visitation to increase maximum daily tours and tastings from 10 to 100 people; expand the marketing plan to add to the existing four events per year with 50 people with four new events per year with 100 guests; increase hours of operation Monday-Sunday from 7:00 AM-5:00 PM to 7:00 AM-6:30 PM; expand visitation hours Monday-Sunday from 9:00 AM-5:00 PM to 9:00 AM-6:30 PM; and upgrade the existing septic and process wastewater treatment and disposal system. The proposal includes on-site sale and consumption of wine pursuant to AB 2004.

2. Circulation - The applicant has submitted a traffic study that concludes the winery will contribute to the overall traffic by 133 vehicle trips per day (50 PM peak trips) on weekdays and 126 vehicle trips per day (72 PM peak trips) on typical Saturdays. The proposed project includes up to 30 full-time and part-time employees, 100 busiest-day tours-and-tasting visitors and 300,000 gallons/year of production generating the 539 daily vehicle trips on traffic during a Crush Saturday with 307 PM peak trips with no marketing events. The subject application also proposes marketing events with up to 100 guests at the largest event; at 2.8 persons per car that would add up to 71 additional trips on the day of a large marketing event with 16 more trips for event staff and truck deliveries. Due to current off-site processing and barrel storage, however, net vehicle trips will decrease since more on-site wine production and storage can take place with the project.

The proposed increase in visitation and production will result in changes to levels of service which warrant installation of a new left-turn lane on Rutherford Cross Road/SR 128 to the shared, private access road to this site.

The left-turn lane is a County requirement which must be met. According to Public Works Traffic Engineering staff, County traffic warrant standards exceed similar Caltrans design standards but it is Caltrans policy to defer to more stringent local requirements. In cooperation with Round Pond Winery, Inc., APN 030-140-022 & -023, on the south side of Rutherford Road/SR 128, the applicant has agreed to share the cost to design, obtain required permits and install a shared left-turn-lane on Rutherford Road/SR 128. Due to the location of each property's existing access driveways on the roadway, a shared left-turn lane is required.

Both wineries have specific conditions of approval/mitigation measure requirements to ensure the traffic feature is installed. The Honig Vineyard & Winery is required, and has agreed, to have the left-turn lane in place prior to grant occupancy of the new structure, an increase in wine production and/or increased tours and tastings if acceptable levels of project traffic generation are determined to fall within or below acceptable thresholds for left-turn traffic warrants prior to left-turn lane installation.

The Napa County Fire Marshal has reviewed this application and has identified no significant impacts related to the proposed emergency vehicle access.

3. Parking - The project includes minor realignment of the existing parking lot on the winery site for the new barrel storage building. There are 32 existing parking spaces on-site that were reconfigured with construction of the administration building approved under Use Permit Minor Modification # P12-00132-MOD. With the increase of total employees from 25 to 30 and an increase in visitation from 10 to 100 visitors per day, staff finds the existing 32 parking spaces are adequate to accommodate the use. According to the applicant, additional parking space will be available when needed in the adjacent residential driveway near existing parking lots. This area has been utilized on an as-needed basis and adequate space is also available on the 67 acre site for marketing events when needed. As a permit condition of approval and mitigation measure, initiation of an employee carpooling program (subject to Planning, Building & Environmental Services Department Director review and approval) will reduce minimum parking requirements and the project will not result in inadequate parking.

4. Water - The Water Availability Analysis indicates that the 67.0 acre valley floor-area site is allotted 67.0 acre/feet (af/yr) of annual water use. Existing water use at the winery's current 150,000 gallons/year production rate has been 30.185 af/yr. With the proposed production increase to 300,000 gallons/year water use is expected to increase to 34.16 af/yr for the winery, including domestic (consisting of residential, winery staff, visitation and increased marketing amounts), landscaping and vineyard irrigation, an amount well below the 67.0 af/yr allotment.

5. Visitation and Marketing - The proposal would increase daily, appointment-only tours and tastings from 10 tours/10-people/day to 60 tours/100-people/day with pre-packaged or caterer-prepared food pairings and allow on-site bottle consumption consistent with AB 2004. The winery marketing plan would be expanded to increase the number of people at catered events from four yearly events with 50 guests only to add four additional annual events with up to 100 guests for a total of eight annual events.

Staff has provided a table below comparing marketing and tours and tastings visitation at other wineries with annual production between 240,000 and 360,000 gallons per year. The proposed visitation program falls in the top third amongst its peer group of wineries within this range of approved production capacity (for both public and by appointment tours and tastings). For marketing events, the proposed 8 event total is in the lower end of its peer group.

Winery	Approved Production	Tours & Tastings	Tours & Tasting Avg/Week	Marketing Events per year*
Carneros Creek Winery	240,000	Public	51	no data
Frog's Leap Winery	240,000	By Appointment	350	38
Turnbull Wine Cellars	250,000	By Appointment	450	0

Rigi Winery	250,000	By Appointment	190	66
Grgich Hills Cellars	250,000	By Appointment	1,000	0
Niebaum Coppola Estate - Hwy 29	250,000	Public	3,391	0
Villa Amorosa	250,000	Public	600	0
Miner Family Vineyards	300,000	Public	1,308	0
Pine Ridge Winery	300,000	Public	922	0
Markham Winery	300,000	Public	400	0
William Hill Winery	335,000	By Appointment	50	0
Wailes Winery	336,000	None	0	0
Robert Mondavi Carneros Winery	340,000	None	2	2
Clos Du Val Company	350,000	By Appointment	168	0
The Eagle and the Rose Winery	360,000	By Appointment	20	no data
Silverado Vineyards	360,000	By Appointment	40	0
<b>Honig Vineyard &amp; Winery</b>	<b>300,000</b>	<b>By Appointment</b>	<b>700</b>	<b>8</b>

\* No Data Recorded - Attributed to Older Wineries with no marketing program proposed or approved

6. Greenhouse Gases/Climate Action Plan - 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 GHG Emissions and Reductions Summary Worksheet, which is attached to this report as part of the application materials. The applicant has incorporated GHG reduction methods as part of its operation with the 2006 installation of a 146 kwh solar system and initiation of an employee carpooling program. The solar system produces more power than the new warehouse storage building will require. The project's 2020 "Business as Usual" emissions were calculated by Planning staff using California Emissions Estimator Model (CalEEMod) GHG modeling software, resulting in modeled 2005 annual emissions of 160 metric tons of carbon dioxide and carbon dioxide equivalents (MT CO<sub>2e</sub>).

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO<sub>2e</sub>. GHG Emission reductions from local programs and project level actions, such as application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to reduce 2005 emissions by 39% below "business as usual" levels in 2020 based on the existing solar system, use of shrink-rack recycling and the new carpooling system. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan.

7. Grape Sourcing - The Honig Vineyard & Winery consists of a 67 acre property with mature vineyards. The existing and proposed production increase from 150,000 gallons/year to 300,000 gallons/year has and will continue to be accommodated by existing vineyards and will comply with the 75% Napa Valley grape source requirement.

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

Zoning - A winery (as defined in Napa County Code Section 18.16.640) and accessory uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in the AP (Agricultural Preserve) District with a use permit. This winery complies with the Winery Definition Ordinance.

Engineering Services Division (ESD) - The ESD recommends approval with standard conditions that address water, parking, access road and other site improvements in their attached April 2, 2013 memo.

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Environmental Health Division (EHD) - The ESD recommends approval with standard conditions to allow catered food only for food and wine pairings. Updated permit applications for the winery's existing Hazardous Materials Business Plan / Business Activities Page and new septic system installation are required in their attached March 27, 2013 memo.

Fire Department - The Fire Marshal recommends approval with no new conditions in their attached March 25, 2013 memo.

Public Works Department (PWD) - The PWD recommends approval with standard conditions in their attached April 5, 2012 memo.

### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Department Comments
- D . Initial Study / Mitigated Negative Declaration
- E . Mitigation Monitoring & Reporting Program
- F . Greenhouse Gas Emissions and Reductions Summary
- G . Traffic Analysis
- H . Water System Feasibility Report
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina