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Agenda Date: 8/18/2010

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Trish Hornisher, PLANNER III - 299-1349
SUBJECT: Relic Wine Cellars Use Permit and Exception to Napa County Road and Street Standards

RECOMMENDATION

RELIC WINE CELLARS / COURTENAY THROCKMORTON & MICHAEL HIRBY– USE PERMIT REQUEST - #P10-00162-UP

CEQA STATUS: Negative Declaration Prepared. According to the Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

REQUEST: Approval of a Use Permit to establish a 20,000 gallon per year winery in two phases for a winery totaling 11,099 square feet at build-out to include: Phase I: (1) construction of an 8,641 square foot, two-story production/hospitality building; (2) four full-time employees; (3) six parking spaces; (4) tours and tasting by prior appointment only with 20 visitors maximum per day (120 maximum per week); (5) a marketing plan with: 12 - 25 person private food and wine tastings per year; one - 50 person private wine release event per year; and, participation in the Napa Valley Wine Auction Event (any tours & tasting or marketing event serving food will be catered); (6) installation of five, 10,000 gallon water tanks for fire suppression; (7) installation of a winery wastewater system comprised of: either a combined sanitary and process wastewater subsurface drip disposal system, or a sanitary wastewater disposal system with process wastewater hold and haul; and, (8) approval of an Exception to the Napa County Road and Street Standards to allow a reduction in the required road width to portions of the winery access road (20 ft. minimum overall road width required per Standards). Phase II: construction of a 2,458 square foot cave system for barrel storage. The winery project is located on a 10.30 acre parcel off a private access driveway on the east side of Soda Canyon Road approximately four miles north of its intersection with Silverado Trail within the Agricultural Watershed (AW) zoning district. (Assessor Parcel #: 032-090-024) 2400 Soda Canyon Road, Napa.

Staff Recommendation: Adopt the Negative Declaration and approve the Exception to Napa County Road and Street Standards and Use Permit as proposed with conditions of approval.

Staff Contact: Patricia Hornisher 299-1349 or Trish.Hornisher@countyofnapa.org

EXECUTIVE SUMMARY**Project Action:**

That the Planning Commission:

1. Adopt the Negative Declaration for Relic Wine Cellars, based on findings 1-6 of Exhibit A;
2. Approve the requested Exception to the Napa County Road and Street Standards based on findings 7-9 of Exhibit A; and,
3. Approve Use Permit #P10-00162-UP based on findings 10-14 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

Discussion:

The applicant proposes a new 20,000 gallon per year winery which would be located on a 10.30 acre hillside parcel on the western slopes of Soda Canyon. Access to the winery site is off a private driveway on the east side of Soda Canyon Road about four plus miles northeast of Silverado Trail and five miles due east of the Town of Yountville. The parcel is currently vacant consisting of gently sloping oak woodlands, shrublands and rock outcroppings at the higher elevations. No vineyards are present on the site and none are proposed. The site was previously improved by a former owner for residential development with a gravel and partially paved driveway and building pad. The pad is located on a southwest facing spur ridge on the eastern most portion of the parcel and is now being proposed as the winery building site.

The winery facility consists of a two-story, 8,641 square foot winery production/hospitality building along with a 2,548 square foot cave system for barrel storage (no public access) that will be built into the canyon wall directly behind the winery structure. The proposed winery would have a maximum of 20 visitors per day, no more than 120 in a six day week, and a marketing plan including 12 events with 25 persons per event and two - 50 person events annually. Due to the steepness of the property and the location of resources such as a drainage course and rock outcroppings on the eastern slopes as well as wooded areas located mid slope on the property, the applicant is requesting an Exception to the Napa County Road and Street Standards to allow the new winery access road to narrow to 14 feet along two short segments to avoid these resources. In order to provide the same overall practical effect as the County standards, the applicant proposes additional safety measures as part of the project to improve visibility and ingress/egress along the road. The Fire Marshall and the Department of Public Works have reviewed the Exception request and recommend approval with added conditions.

Staff believes required findings can be made in support of the requested Exception to the Napa County Road and Street Standards and Use Permit and recommends approval as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration Prepared. According to the proposed negative declaration, the proposed project would have

no potentially significant environmental impacts. The project is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

BACKGROUND AND DISCUSSION

Owners: Mike Hirby & Courtenay Throckmorton

Applicant: Mike Hirby & Courtenay Throckmorton

Representative (Project Manager): Jon Webb, Albion Survey, Inc.

Zoning: AW (Agricultural Watershed)

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

Filed: April 30, 2010 **Resubmitted:** July 19, 2010

Building Size: An 8,641 square foot two-story production/hospitality building (Phase I) with a cave system for barrel storage (Phase II) for a winery totaling a maximum of 11,099 square feet.

Accessory Structures: five 10,000 gallon water tanks for fire protection.

Cave Size: 2,458 square feet (to be constructed in Phase II)

Production Capacity: 20,000 gallons per year

Visitation: A maximum of 20 visitors per day with a maximum of 120 visitors per six day week

Marketing: Twelve 25-person private food and wine tasting events per year; one 50-person private wine release event per year; and, participation in the annual Napa Valley Wine Auction. (All tours & tasting and marketing events serving food will be catered and prepared off-site by licensed Napa County approved operator.)

Number of Employees: Four full-time

Hours of Operation: 7:00 AM to 5:00 PM, six days a week (Harvest & bottling season 7 AM to 10 PM),

Parking: 6 parking spaces, including one ADA-accessible space

Parcel Size: 10.30 Acres

Accessory/Production Ratio: 23% (40% allowed)

Winery Coverage: 0.70 acres (6.8 % of parcel - 25% allowed)

Setbacks: 1,200' Front (West -300' required); 65' Side (North - 20' required); 168' Side (South - 20' required); 465' Rear (East 20' required)

Cave Setback: 16 feet from rear property line

Adjacent Zoning / Land Use:

North

AW - Rural Residential/Open Space - three parcels of 5.3, 76.5 and 80 acres; each including a residence

South

AW - Rural Residential/Vineyard/Open Space and Commercial Improved - two parcels of 0.38 and 26.9 acres including Soda Canyon Volunteer Fire Dept on the small parcel and a residence on the other

East

AW - Rural Residential / Open Space - one parcel 74.47 acres including a residence

West

AW - Rural Residential / Open Space - Two parcels 4.27 and 60 acres; both including a residence

Nearby Wineries (within Soda Canyon and approx. one mile of the project site):

Waug Winery - 2275 Soda Canyon Rd; Approved August 2006; 30,000 gal/yr; 16,000 Sq Ft entirely within a cave system; By Appt

La Vallette Winery - 2915 Soda Canyon Rd; Approved July 1988; 20,000 gal/yr; 1,600Sq Ft; By Appt (Tastings only no tours)

Astrale E Terra Winery.-3148 Soda Canyon Rd;Approved August 1988; 20,000 gal/yr; 1,200 Sq Ft; By Appt (Tastings only no tours) Atlas Peak Vineyards- 3700 Soda Canyon Rd; Established October 1992; 450,000 gal/yr; 94,000 Sq Ft; By Appt

Property History:

May 2004 - Erosion Control permit approved for road and residence.

April 2004 - Grading permit finalized for re-grading and paving of existing road & construction of 1,200 sq ft residence.

September 2004 - Wirt Residential Building permit #B04-00265 canceled.

July 2009 - McSorley Residential Building permit # B07-01595 for new 4,110 sq ft residence, 2nd unit & Guest cottage expired.

April 2010 - Application for new winery Use Permit received.

Code Compliance History:

Based on a review of Planning and Building files, there have been no complaints or code compliance issues filed against this property.

Discussion Points:**Winery Proposal**

Michael Hirby and Courtenay Throckmorton seek approval from the County of Napa for a Use Permit to establish a 20,000 gallon per year winery on their 10.30 acre parcel located off a private access road on the east side of Soda Canyon Road approximately 4 miles north of its intersection with Silverado Trail. The parcel is centrally located on the western slopes of Soda Canyon. It is currently vacant with evidence of prior land management consisting of a road, berms, a residential building pad and surface soil movement on the lower portions of the property. No vineyards exist and none are proposed with this application. Grapes for wine production will come from the upper region of Soda Canyon and other vineyards within Napa County in accordance with the Winery Definition Ordinance 75% rule. The owners have been producing wine in the Valley for a number of years at six different production facilities throughout Napa Valley. Approval of Relic Wine Cellars will afford the owners the opportunity to produce

these wines on-site.

The applicants propose to construct the winery in two phases. A two story, 8,641 square foot wine production/hospitality building will be built during Phase 1. Four employees, Tours and Tasting by Appointment Only visitation with a maximum of 20 persons per day during a six day week and six parking spaces is planned. Also proposed is a fairly small marketing plan consisting of 12 events with 25 persons or less; one event of 50 persons or less; and, participation in one Napa Valley Wine Auction temporary event. All Tours and Tasting and Marketing events serving food will be catered by an operator approved and licensed by Napa County Environmental Management. During Phase II, a 2,458 square foot Type I cave system for wine barrel storage will be added thus bringing the total winery facility to 11,099 square feet. The cave will be bored into the ridge directly behind the winery building. It will be offset from the rear property line by a distance of 16 feet thereby ensuring the underground structure is well within the owner's property boundary. Since it is planned as a Type I cave, no public access is permitted by the Building Inspection Division or the Napa County Fire Marshal.

Winery Design

Relic Wine Cellars is uniquely designed in the Organic Modernist architectural style which is renown for the innovative way it integrates natural organic features and sustainable "green" concepts throughout the design. The proposed two-story winery is simply stated using earth tone standing seam metal panels to create a modern feel. The second story projects into the face of the hillside creating a protective cover for the open production area and cave portal on the ground level. Galvanized steel columns support a metal roofing structure that is overlain with an acrylic canopy and cable trellising system. The acrylic roof canopy extends over the entire facility which allows translucent natural light to flood the production work areas and second story deck. Windows will be insulated and glazed to eliminate glare and improve cooling within the structure. Vines, trained to grow on the trellis system, will eventually create a "living roof". The organic roof will become a natural screen when viewed by surrounding neighbors at higher elevations and save energy by shading and cooling the building. Staff believes the design is exemplary in its use of green technology and in keeping with other unique architectural designs found throughout Napa Valley.

Winery Entrance and Exception to Napa County Road and Street Standards

A new entrance will be created 70 feet north of the existing entrance within a recorded easement on the adjacent McFadden property just north of the Soda Canyon Fire Station. The entrance (running approximately 160 feet) and the remaining 1,050 feet of the winery access road will be improved to the full County Standards with the exception of two section of the road totaling 400 feet. These two sections are subject to approval of an Exception to the Napa County Road and Street Standards for a reduction in width to 14 feet (20 feet required). The first section is located 260 feet from the entrance on the lower portion of the road with slopes of around 15%. The reduced width extends for approximately 100 feet and is being requested to preserve mature oak trees. The second section is located at the end of road near the winery and runs approximately 300 feet. The reduction in width is being requested to preserve rock outcroppings and reduce grading on steep slopes adjacent to a drainage course. Currently the slope along this section ranges from 20% to 29%. Public Works will require the slope for this section to meet the Standards at 20% or less. The applicant also proposes to incorporate further safety measures into the project to provide the same overall practical effect as the Standards. They include the following:

- 1. Tours and tastings will not be scheduled such that guests will arrive or depart at the same time as other guests or at the same time as a scheduled truck deliveries (fruit, barrels, supplies, etc.);*
- 2. Marketing events will not be scheduled such that guests will arrive or depart at the same time as other guests or at the same time as a scheduled truck delivery (fruit, barrels, supplies, etc.); and,*
- 3. Signs will be posted so that traffic leaving the winery will be notified of the reduced road width and will be instructed to yield until oncoming traffic has cleared the reduced width portion of driveway.*

Staff believes findings for the Exception can be made in accordance with Resolution 06-198 which allows for reduced road width to preserve natural features (such as mature oak trees, rock outcroppings) and

minimize grading on steep slopes to preserve streams or drainage courses. The Napa County Department of Public Works and the County Fire Marshal have reviewed and approved the Exception with departmental conditions of approval which also include those safety measures proposed by the applicant. As proposed, Staff believes the Exception will not adversely effect the life, safety and welfare of the public visiting the property.

Traffic Impacts

As stated in the initial study, traffic counts on Soda Canyon Road and Silverado Trail are not expected to increase significantly with the inclusion of the deceleration lane at the winery entrance and scheduled visitor and supply deliveries as now proposed. The Department of Public Works has reviewed the project and determined a left turn lane is not warranted due to the limited production capacity and visitation.

At the request of the Planning Department, stopping sight distances were also analyzed by Applied Civil Engineering. The report submitted on March 31, 2010, indicates the available sight distance on Soda Canyon Road looking south is 475 feet and looking north is 425. These distances assume two small trees just north of the entrance will be removed and the existing fence will be moved back to increase visibility along Soda Canyon Road. According to the Caltrans Highway Design Manual, the minimum stopping sight distance for a design speed of 45 mph is 360 feet. The report concludes that provided the tree and fence improvements are made as shown on the site plan, the available sight distance will exceed Caltrans' requirements for stopping sight distance.

Water Availability

Water for the proposed winery will be supplied by one existing on-site well. Five additional 12,000 gallon water storage tank are proposed for fire protection. The project is located in the County's Mountain area which has an acceptable water extraction volume of 0.5 acre feet per acre per year (af/yr). The subject 10.30 acre parcel would therefore have a water use allotment of 5.10 af/yr. The Phase I Water Availability Analysis estimates the projected groundwater demand at build-out (winery facility and landscaping) will be 0.53 af/yr. Thus, the project is well below the County established water allotment and is not expected to significantly effect groundwater supplies or wells.

Neighbor Comments

As of the date of this report, the adjacent property owner to the North visited the Department to discuss his concerns about various aspects of the winery. The discussion centered around environmental concerns and problems with a winery development next to an established residential neighborhood.

Consistency with Standards:

Zoning - The project is consistent with AW (Agriculture Watershed) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and the setbacks and other requirements of the Zoning Code.

Building Division Requirements -The Building Division recommends approval with conditions. Please see their memo dated July 26, 2010.

Fire Department Requirements - The Fire Department recommends approval with standard conditions. Please see their revised memo of June 15, 2010.

Public Works Department Requirements - The Public Works Department recommends approval with conditions of approval as stated in their memo dated August 9, 2010 and memo for Groundwater dated August 9, 2010.

Environmental Management Department Requirements - The Department recommends approval provided all conditions of approval are satisfied. Please see their memo dated July 22, 2010.

Sheriff's Department Requirements - The Sheriff's Department has reviewed this application and has no comment.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Proposed Conditions of Approval
- C . Department Comments
- D . Neighbor Outreach & Support / Concern Response Letters
- E . Initial Study / Negative Declaration
- F . Application Materials
- G . Greenhouse Gas Reduction Checklist
- H . Road Exception Request
- I . Site Distance Analysis Report
- J . Phase I Water Availability Report
- K . Wastewater Feasibility Study & Cave Setback Memo
- L . Report Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell