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A Commitment to Service

Agenda Date: 8/19/2020

Agenda Placement: 7A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Brian Bordona for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Emily Hedge, Planner III - 259-8226

**SUBJECT:** Saintsbury Winery Use Permit Major Modification P18-00027

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### **RECOMMENDATION**

#### **ARDY VAN WINDEN ET AL / SAINTSBURY LLC / MAJOR MODIFICATION # P18-00027-MOD**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** The application proposes the following operational changes and physical improvements to the existing 160,000 gallon per year winery. Increase maximum daily visitation from 12 visitors per day to 95 visitors per day; replace the existing marketing program with an annual program of six events with 50 guests and two events with 100 guests; increase employees from 10 to 19; clarify winery operations seven days a week; use of the existing outdoor patio for visitation activities; and approval of on-premises consumption in the hospitality building and the outdoor patio. The proposal includes appointment of a winery staff member as Travel Demand Management (TDM) coordinator to facilitate reducing auto commuting trips and promote use of shuttle buses to all marketing events in order to reduce overall vehicle trips to the site and lessen Vehicle Miles Traveled (VMT) associated with the winery. Improvements to the existing onsite sanitary wastewater system and an expansion of the existing subsurface dispersal field and pretreatment system; addition of two 10,000-gallon domestic water storage tanks; convert approximately 500 square feet of existing Production space to Accessory use space for temporary uses for visitation and marketing events; and an increase in parking spaces from 12 to 23. The project is located on an approximately 15.83 acre site within the Agricultural Watershed (AW) zoning district, with a General Plan land use designation of Agricultural Resources (AR). Site address is 1500 Los Carneros Avenue, Napa, CA; APN: 047-212-022.

**Staff Recommendation:** Adopt the proposed Negative Declaration and approve the requested Major Modification as conditioned.

**Staff Contact:** Emily Hedge, Planner III, 707-259-8226 or [Emily.Hedge@CountyofNapa.org](mailto:Emily.Hedge@CountyofNapa.org)

**Applicant Contact:** Saintsbury LLC, c/o David Graves, 1500 Los Carneros Road, Napa, CA 94559; phone 707-252-0592 or email wavey@saintsbury.com

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-7 in Attachment A; and
2. Approve the Use Permit Major Modification based on recommended Findings 8-12 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B.

### **Discussion:**

A Use Permit for the winery was approved in 1983 for 60,000 gallons of production with six full-time employees. In 1988, a Use Permit modification increased production to 90,000 gallons and recognized tours and tastings by-appointment. Two Use Permit Modifications in 1998 approved physical improvements to the winery, added a marketing plan, recognized increased visitation numbers, and increased production to 160,000 gallons. In 2007, a Use Permit modification approved interior remodels of the existing winery buildings and a cover over an outdoor production area. The 2017 Use Permit modification approved improvements to the winery waste water system.

The application proposes the following operational changes and physical improvements to the existing 160,000 gallon per year winery. Increase maximum daily visitation from 12 visitors per day to 95 visitors per day; replace the existing marketing program with an annual program of six events with 50 guests and two events with 100 guests; increase employees from 10 to 19; clarify winery operations seven days a week; use of the existing outdoor patio for visitation activities; and approval of on-premises consumption in the hospitality building and the outdoor patio. The proposal includes appointment of a winery staff member as Travel Demand Management (TDM) coordinator to facilitate reducing auto commuting trips and promote use of shuttle buses to all marketing events in order to reduce overall vehicle trips to the site and lessen Vehicle Miles Traveled (VMT) associated with the winery. Improvements to the existing onsite sanitary wastewater system and an expansion of the existing subsurface dispersal field and pretreatment system; addition of two 10,000-gallon domestic water storage tanks; convert approximately 500 square feet of existing Production space to Accessory use space for temporary uses for visitation and marketing events; and an increase in parking spaces from 12 to 23.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. The requested annual maximum visitation and number of marketing events is similar to those of similar production capacity. Sufficient water is available to serve the project and a Transportation Demand Management plan would be implemented as part of the project, reducing potential transportation impacts. All potential environmental impacts were found to be less than significant. Based on the reasons stated above, staff recommends approval of the project subject to the recommended conditions of approval.

## **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

**ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Applicant:** David Graves, 1500 Los Carneros Road, Napa, CA 94559; phone 707-252-0592 or email wavey@saintsbury.com

**Representative:** Rob Anglin, Holman Teague Roche Anglin, LLP, 1455 First Street, Suite 217, Napa, California 94559; phone 707-927-4274 or email: anglin@htralaw.com

**General Plan Designation:** Agricultural Resource (AR)

**Zoning:** Agricultural Watershed (AW)

**Application Filed:** January 26, 2018; **Resubmittals Received:** December 3, 2018 and February 14, 2020;  
**Application Complete:** March 13, 2020

**Parcel Size:** 15.83 acres

**Existing Development:**

The project site is a 15.83 acre parcel located at 1500 Los Carneros Avenue in Napa. The site has frontage on Los Carneros Avenue, Withers Road, and Cuttings Wharf Road. The winery is on the east side of Withers Road with the project driveway approximately 700 feet west of Cuttings Wharf Road and 540 feet east of Los Carneros Avenue. The project site is developed with approximately 12.5 acres of vineyard, the existing winery, and winery infrastructure.

**Winery Characteristics:**

**Winery Development Area - Approved:** 18,789 square feet; 0.43 acres

**Winery Development Area - Proposed:** No change

**Winery Coverage - Approved** 74,334 square feet; 1.71 acres; 10.8% of parcel

**Winery Coverage - Proposed:** No change

**Winery Building Size - Approved:** 11,175 square feet

**Winery Building Size - Proposed:** No change

**Accessory to Production Ratio - Approved:** 14.1% - 2,505 square feet Accessory Use/17,790 square feet Production Use

**Accessory to Production Ratio - Proposed:** 17.3% - 2,995 square feet Accessory Use/16,535 square feet Production Use

**Production Capacity - Approved:** 160,000 gallons maximum in one year with an average of 135,000 gallons over any 3-year period.

**Production Capacity - Proposed:** No change

**Number of Employees - Approved:** 10 full time

**Number of Employees - Proposed:** 13 full time, 1 part time, 5 seasonal

**Visitation - Approved:** 12 per day by appointment

**Visitation - Proposed:** 95 per day by appointment. Catered wine and food pairings for up to 10 tasting guests per day.

**Marketing Program - Approved:**

8 lunches/dinners per year for 25 guests

1 wine auction event for 50 guests

**Marketing Program - Proposed: Replaces Existing Program**

6 events per year with 50 guests

2 events per year with 100 guests

Events will take place in the winery or on the outdoor areas. Catered food service.

Events will end by 10pm with quite cleanup until 11pm.

**Hours of Operation - Approved:**

Non-harvest production hours – 6:00 AM to 6:00 PM Typical hours 8:00 AM to 5:00 PM

Visitation – 10:00 AM to 5:00 PM

**Hours of Operation - Proposed:**

Non-harvest production hours – No change

Visitation – No change

**Days of Operation - Approved:** Previous approval letters did not specify the days of the week. The Application Supplemental Information Sheets for the original Use Permit, as well as the subsequent modifications U-258788 and 97556-MOD, listed Days of Operations as 5 days per week. However, the 97556-MOD Staff Report discussion on visitation appears to utilize calculations that reflect visitation 7 days per week.

**Days of Operation - Proposed:** This application includes clarification that winery production and hospitality operations are open 7 days per week. The current Traffic Impact Study was based on operations 7 days a week and the applicant's engineer has confirmed that because septic capacity is measured on a gallons/day basis, the change to 7 days per week does not impact the analysis, and the conclusion remains that the system has sufficient capacity.

**On-site Parking - Approved:** 13

**On-site Parking - Proposed:** 23

**Setbacks - Approved:**

300-foot setback from the surrounding roads - Los Carneros Avenue, Cuttings Wharf Road, and Withers Road. The existing, pre-WDO office and hospitality building are within the 300 foot setback from Withers Road.

**Setbacks - Proposed:**

No new buildings are proposed.

**Adjacent General Plan Designations/Zoning Districts/Land Uses:**

Surrounding properties have a General Plan Designation of AR and a Zoning designation of AW. Properties to the southwest (not adjacent) have a Zoning designation of AW:AC (Airport Compatibility).

Surrounding land uses include residences, vineyards, and agricultural uses. The Napa Valley Unified School District Stonebridge School is located on Los Carneros Avenue, approximately 0.4 miles south of the winery property.

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

There are 4 wineries within one mile of the project. Please refer to Attachment J.

**Parcel History:**

On July 20, 1983, the Planning Commission (hereafter Commission) approved Use Permit U-488283 for the establishment of a 60,000-gallon winery with six full-time employees, operating five days per week. No tours and tastings were permitted. The Use Permit Application Supplemental Information Sheet anticipated three visitors, which staff understands to be in reference to trade visitors or direct sales.

On August 29, 1986, the Director approved sign permit #SP-38687 for two directional signs.

On June 15, 1988, the Commission approved Use Permit modification U-258788 allowing construction of a 4,140 square foot addition to the production facility, increase production to 90,000 gallons annually, and recognition of by-appointment tours and tastings of a maximum 10 visitors per day and 10 visitors per week (five days per week) as listed in the Use Permit Application Supplemental Information Sheet anticipated.

On July 24, 1998, the Zoning Administrator approved Use Permit Modification 97557-MOD for the installation of an approximately 900 square foot covered tank pad, six open-top fermenters, and a new 170 square foot lab at the existing winery.

On October 7, 1998, the Commission approved Use Permit Modification 97556-MOD to allow a production increase of up to 160,000 gallons per year, not to exceed an average of 135,000 gallons/year over any 3-year period; approved minor additions including an upstairs storage room and a covered equipment porch; added the current marketing plan of eight events with 25 guests and one event with 50 guests; recognized by-appointment tours and tastings of a maximum 12 visitors per day and 24 visitors per week (five days per week) as listed in the Use Permit Application Supplemental Information Sheet; and estimated 10 full-time employees, as listed in the Use Permit Application Supplemental Information Sheet.

On July 30, 2007, the Director approved Minor Modification P07-00446 to allow construction of a covered porch for additional open-top fermenters, remodeling of the existing winemaking and vineyard offices to add additional production office space and to remodel an existing storage area into restrooms.

On July 17, 2017, the Director approved Very Minor Modification P17-00172 for improvements to waste water system.

Application for this Use Permit Major Modification (P18-00027) was received January 26, 2018 and is the project as described below.

**Code Compliance History:**

No active cases.

**Discussion Points:**

Setting - The project site is a 15.83 acre parcel located at 1500 Los Carneros Avenue in Napa. The site has frontage on Los Carneros Avenue, Withers Road, and Cuttings Wharf Road. The winery is on the east side of Withers Road with the project driveway approximately 700 feet west of Cuttings Wharf Road and 540 feet east of Los Carneros Avenue. The project site is developed with approximately 12.5 acres of vineyard, the existing winery, and winery infrastructure. Surrounding land uses include residences, vineyards, and some undeveloped land. An

approximately one-acre parcel, also taking access from Withers Road, is surrounded on three sides by the project site. The areas adjacent to the property boundary are planted in vineyards. The Napa Valley Unified School District Stonebridge School is located on Los Carneros Avenue, approximately 0.4 miles south of the winery property. The Napa River is approximately two miles to the south of the property.

Visitation - The winery currently has by-appointment visitation for 12 visitors a day and is proposing daily visitation for up to 95 visitors per day. As shown in Attachment J, the winery was compared to other wineries producing between 150,000 gallons and 175,000 gallons. Compared to by-appointment wineries, the proposed daily visitation is slightly higher than the average, but the weekly and annual visitation are lower. When compared to pre-WDO wineries, the daily, weekly, and annual visitation are lower than the average.

Marketing Program - The winery's current marketing plan consists of 8 lunches/dinners per year for 25 guests and 1 wine auction event for 50 guests. The proposed marketing plan of 6 events per year with 50 guests and 2 events per year with 100 guests, would replace the existing plan. Events will continue to take place in the winery or on the outdoor areas, with the option for catered food service. Events will end by 10:00 p.m. with quite cleanup until 11:00 p.m. The number of events would be reduced by one event, but overall marketing visitation would increase from 250 guests to 500 guests. As shown in Attachment J, when compared to the average event numbers of both by-appointment and pre-WDO wineries, the marketing plan proposes less events with a smaller total number of annual guests.

Noise - The proposed project components that have the potential to generate higher noise levels compared to existing conditions, include an increase in visitation, changes to the marketing plan that include increasing event size, and use of an outdoor patio for visitation and on-premises consumption. The outdoor area would continue to be used under the revised marketing events. The proposed outdoor area is an existing, approximately 2,600-square foot patio. The patio area includes two large mature trees and some smaller trees, and is surrounded by fencing and landscaping averaging about 4 feet in height. The outdoor area includes tables and chairs with total seating for about 34 persons. There is not lighting in the outdoor area. Winery operations would occur between 6:00 a.m. and 6:00 p.m. (excluding harvest), with visitation between 10:00 AM to 5:00 PM. All events would end by 10:00 p.m., with quiet cleanup conducted afterwards until 11:00 p.m. The nearest residence to the project site is approximately 200 feet to the north of the winery hospitality building and 150 feet from the outdoor patio. A garage is located on the adjacent property, situated between the residence and the winery development. The residence is also screened by dense vegetation and fencing located at the property line. Both the existing garage and dense vegetation would further minimize potential noise generated from the outdoor area.

Groundwater Use - The project is categorized as "all other areas" based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. The Water Availability Analysis completed by Bartelt Engineering in June 2017, determined the project would not have a significant impact on groundwater resources. According to the water analysis, the existing groundwater use on the project site is 6.77 acre-feet/year. The proposed project would result in an increase of 0.31 acre-feet/year for an anticipated total of 7.08 acre-feet/year. The report concludes that total groundwater recharge for the subject parcel is estimated to be 9.5 acre-feet/year. The report notes that vineyard irrigation demand may be offset by beneficially reusing treated winery process wastewater as an additional source for irrigation. Furthermore, recycled water provided by the Los Carneros Water District (LCWD) may also be utilized as an additional source of vineyard irrigation water.

Wastewater System - The winery facility is serviced by a process wastewater system and a sanitary wastewater system. The proposed project would not generate additional process waste, therefore, there are no planned improvements to the existing process wastewater system. The proposed increase in employees and visitation, would generate additional sanitary wastewater. The project includes proposed improvements to the existing onsite sanitary wastewater system and an expansion of the existing subsurface dispersal field and pretreatment system. The study demonstrates that all sanitary wastewater generated from the proposed project can feasibly be handled

onsite with the proposed improvements. The Division of Environmental Health reviewed this report and concurred with its findings.

Greenhouse Gas Reduction Strategies - The project includes limited grading, no new landscaping, and no tree removal. Furthermore, the applicant already implements the following greenhouse gas reduction methods at the winery: generates renewable energy onsite, recycling materials, has 70-80% cover crop and reuses pruning and thinning biomass on site, and has electric vehicle charging stations. In order to reduce new vehicle trips and emissions associated with the project, the winery will have a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing auto commuting and Vehicle Miles Traveled (VMT). In addition, the TDM coordinator will promote use of shuttle buses to all marketing events.

Grape Sourcing - In July 1983, the Commission approved Use Permit U-488283 for the establishment of a 60,000-gallon. In June 1988, the Commission approved Use Permit modification U-258788 which increased production to 90,000 gallons annually. This approval was pre-WDO and therefore is not subject to the 75% rule. In October 1998 the Commission approved Use Permit modification 97556-MOD, which increased production to 160,000 gallons annually and subjected the additional 70,000 gallons to the 75% rule. No changes are proposed to the Winery's production levels under this modification.

Transportation - The Final Traffic Impact Report January 7, 2020, prepared by Crane Transportation Group (CTG), addresses potential transportation impacts generated by the proposed project. The study reviewed LOS, sight distance, and the County left-turn lane warrant to identify potential impacts to the County roadway system. An Addendum to the Traffic Impact Report was prepared on May 18, 2020, to provide additional information on the applicant's project description and vehicle miles traveled (VMT) reduction efforts, which assist in reducing potential impacts from VMT and also decrease the previously identified impacts on the roadway system to less than significant. The report identified that the State Route 12-121 intersection with Cuttings Wharf Road would experience a significant impact during the Cumulative (Year 2030) scenario. In order to address this, the applicant has proposed a Travel Demand Management (TDM) plan which would appoint a winery staff person as TDM coordinator to facilitate improvements to employees commuting and visitation scheduling. The solution presented in the Addendum requires the TDM coordinator to schedule visitation appointments that would restrict new traffic during the peak hours (Fridays between 3:40 and 4:30 p.m. and Saturdays between 1:00 and 2:00 p.m.). Based upon the winery's current practice of conducting tastings for about an hour and 15 minutes, it will be possible to have guests arrive just before each restricted hour and then leave after the restricted hour.

Public Comments - The public hearing notice was emailed and mailed on July 28, 2020, and published in the local newspaper of July 29, 2020. At the time of this report, one public comment letter has been received and is included in attachment K.

### **Decision-Making Options:**

As noted in the Executive Summary Section above, staff is recommending approval of the applicant's proposal with conditions of approval as described in Option 1 below. Decision making options also include a no project alternative and a reduced project alternative.

#### Option 1: Approve Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed winery modification. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. The requested visitation and marketing program increase is below the average of wineries with similar production capacity. Physical changes would improve the wastewater system and increase parking to serve the change in visitation, marketing, and employees.

Furthermore, staff has found the proposed project would not have a significant effect on the environment. In particular, staff has found that there is sufficient water is available to implement the project, and the applicant proposes to incorporate a TDM coordinator to assist in VMT reduction efforts.

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.

#### Option 2: Reduced Project Alternative

Disposition – All potential environmental impacts have been found to be less than significant through a combination of project design and conditions of approval. Furthermore, County divisions have reviewed the proposal and are in support of the request. However, this option provides the Planning Commission the ability to further reduce potential impacts related to traffic by reducing the requested maximum annual visitation and/or marketing program (number of events). This could be accomplished by potentially reducing the maximum number of daily or weekly visitors and/or reducing the size of the marketing events. If the Planning Commission elects to pursue this option, the recommended conditions of approval would need to be amended to reflect the revised visitation and marketing program.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the reduction of the visitation and marketing program. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

#### Option 3: Deny the Applicant's Proposal

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings, Commissioners should articulate what aspect or aspects of the project are in conflict with 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 is not being approved.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

#### Option 4: Continuance Option

The Commission may continue an item to a future hearing date at its discretion.

### **SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Memos
- C . Previous Project Conditions
- D . Intial Study Negative Declaration
- E . Use Permit Major Modification Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Traffic Impact Study and Addendum



I . Graphics

J . Winery Comparison Analysis and Summary of Changes

K . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona