



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/27/2021

Agenda Placement: 2B

Zoning Administrator Board Agenda Letter

TO: Zoning Administrator

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: MELANIE JACKSONCOUCH, PLANNER III - 707-259-8194

SUBJECT: A. S. Vineyards Use Permit Minor Modification and Viewshed Permit

RECOMMENDATION

ARVIND SODHANI / SODHANI WINERY / USE PERMIT MODIFICATION NO. P19-00273 AND VIEWSHED PERMIT P20-00153

CEQA Status: Consideration and possible adoption of an addendum to a previously adopted Mitigated Negative Declaration (MND) in accordance with CEQA Guidelines Section 15162. Pursuant to CEQA Guidelines 15164, an addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a Subsequent Mitigated Negative Declaration have occurred. According to the previously-adopted MND (2016), the then-proposed winery would have, without the inclusion of mitigation measures, potentially significant impacts in the area of Biological Resources. Adopted mitigation measures, which required pre-construction biological surveys for the Northern Spotted Owl, have not been implemented because no development has occurred onsite to date. Analysis of the current modification proposal identified no new or substantially more severe significant impacts relative to the original project analyzed in the prior MND. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Minor Modification (P19-00273 and P20-00153) to the approved winery (Use Permit P14-00402-UP and Viewshed Permit P16-00111-VIEW) to allow for the following: 1) an increase in annual production from 12,000 gallons per year to 20,000 gallons per year; 2) a visitation program allowing up to eleven (11) guests per day (appointment only) and 77 guests per week, to occur between the hours of 10:00 a.m. and 6:00 p.m. Monday through Sunday; 3) a marketing program allowing for ten (10) events per year with up to 30 guests per event and one (1) event per year with up to 100 guests per event; 4) catering for events; 5) relocation and reduction in size of the cut and cover cave from 7,150 square feet to 4,603 square feet; 6) construction of two buildings including a 2,943 square foot tasting and administration building and a 1,811 square foot fermentation building; 7) a 753 square foot covered area including a dock, mechanical area and trash area; 8) a reduction in water storage from 60,000 gallons to 31,500 gallons; and 9) two (2) additional parking stalls. The project is located on 12.14

acres on the west side of St. Helena Highway North/State Hwy 29 addressed as 3283 St. Helena Highway North within the AW (Agricultural Watershed) zoning district and Agriculture, Watershed, and Open Space Resources (AWOS) General Plan land use designation. APN: 022-080-028.

Staff Recommendation: Adopt the Addendum to the Sodhani Mitigated Negative Declaration and approve the Use Permit and Viewshed Permit modifications, as conditioned.

Staff Contact: Melanie Jackson, Planner III, (707) 259-8194 or Melanie.jackson-couch@countyofnapa.org

Applicant Contact: Beth Painter, 10 Canopy Lane, Napa, CA 94558, (707) 337-3385 or melanie.jackson-couch@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Actions:

That the Zoning Administrator:

1. Adopt an Addendum to the Mitigated Negative Declaration, based on Findings 1 -7 of Attachment A;
2. Approve Viewshed Permit Permit No. P20-00153-VIEW based on Findings 8-14 of Attachment A and subject to the recommended conditions of approval (Attachment B); and
3. Approve Use Permit Minor Modification No. P19-00273-MOD based on Findings 15-19 of Attachment A and subject to the recommended conditions of approval (Attachment B).

Discussion:

On June 15, 2016, the Planning Commission approved the Sodhani Winery Use Permit (P14-00402) and Viewshed Permit (P16-00111). This Use Permit allowed for a new 12,000 gallon per year winery and an associated structure (cut and cover cave) totaling 7,150 square feet, two full-time employees during non-harvest and an additional two, part-time employees during harvest. No visitation or marketing events were requested or authorized with this approval. An application to deemed the Use Permit "Used" was submitted to the County on May 4, 2018 prior to expiration of the use permit. This determination was issued by the PBES Department on June 18, 2018 (P18-00183).

Prior to construction of the winery, the applicant is requesting approval of a Minor Modification (P19-00273) to the previously approved use permit (Permit No. P14-00402-UP) and approval of Viewshed Permit (P20-00153) to allow for a reduction in size and the relocation of a cut and cover cave, the addition of two new winery structures, an increase in yearly wine production from 12,000 gallons a year to 20,000 gallons a year and the addition of a visitation and marketing program. The applicant is also requesting approval of a Viewshed Permit due project site's proximity to St. Helena Highway and Silverado Trail. Staff has reviewed the project and determined that the applicant's proposal is consistent with and an allowed use in the Agricultural Watershed (AW) zoning district and is consistent with the property's Agriculture, Watershed and Open Space (AWOS) General Plan designation. The applicant has designed the project in a manner such that the winery is screened from view of St. Helena Highway and Silverado Trail because the winery development would be set back on the hillside, approximately 805 feet from the centerline of St. Helena Highway, and the winery would be obstructed from view with existing vegetation on site and along the highway. The applicant also proposes to reduce greenhouse gas (GHG) impacts resulting from development and implementation of the project by including GHG reduction strategies, including photovoltaic panels, solar hot water heating, energy efficient lighting, cool roof, water efficient fixtures, water efficient

landscaping, low impact development (minimal grading and vegetation removal), waste recycling, composting, sustainable purchasing and shipping programs, electrical vehicle charging stations, public transit, natural heating and cooling, sustainable practices, cover crops and retention of onsite vineyard biomass for reuse. As such, staff has determined that the proposed project is designed consistent with the intent of the property's AW zoning, the AWOS General Plan designation and the Viewshed protection ordinance.

Based on the reasons stated above, staff recommends approval of the project.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of an addendum to a previously adopted Mitigated Negative Declaration (MND) in accordance with CEQA Guidelines Section 15162. Pursuant to CEQA Guidelines 15164, an addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a Subsequent Mitigated Negative Declaration have occurred. According to the previously-adopted MND (2016), the then-proposed winery would have, without the inclusion of mitigation measures, potentially significant impacts in the area of Biological Resources. Adopted mitigation measures, which required pre-construction biological surveys for the Northern Spotted Owl, have not been implemented because no development has occurred onsite to date. Analysis of the current modification proposal identified no new or substantially more severe significant impacts relative to the original project analyzed in the prior MND. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Arvind Sodhani, P.O. Box 698, St. Helena, CA 94574, (707) 679-0747

Representative: Beth Painter, 10 Canopy Lane, Napa, CA 94558, (707) 337-3385

Zone District: Agricultural Watershed (AW)

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

Application filed: June 4, 2019 **Resubmittals:** May 22, 2020; July 10, 2020 **Application complete:** August 18, 2020

Parcel Size: 12.14 acres

Proposed and Existing Winery Characteristics:

Existing Development: The subject property is presently developed with a single-family residence, a garage, two

water tanks, a shared driveway that that serves a parcel to the north of the subject parcel and approximately 6.4 acres of vineyards.

Winery Development Area - Approved: 810 square feet
Winery Development Area - Proposed: 6,870 square feet

Building Size (Approved): 7,150 square foot cut and cover cave
Building Size (Proposed): 4,603 square foot cut and cover cave, 2,943 square foot tasting and administration building, 1,811 square foot fermentation building

Production Capacity (Approved): 12,000 gallons per year
Production Capacity (Proposed): 20,000 gallons per year

Winery Coverage Approved: 27,400 square feet or approximately 5% (Maximum 25% of the existing parcel or 15 acres, whichever is less)
Winery Coverage Proposed: 40,475 square feet or approximately 7% (Maximum 25% of the existing parcel or 15 acres, whichever is less)

Accessory/Production Ratio Approved: 454 square feet accessory/6,696 square feet production - approximately 6.7% (maximum 40% permitted)
Accessory/Production Ration Proposed: 2,095 square feet accessory/8,015 square feet production - approximately 26% (maximum 40% permitted)

Number of Employees (Approved) Four (two full-time and two additional part-time employees during harvest)
Number of Employees (Proposed): Four (two full-time and two additional part-time employees during harvest)

Visitation and Marketing Activities (Approved): None
Visitation and Marketing Activities (Proposed): Eleven (11) guests per day (appointment only) and 77 guests per week for tours and tastings, to occur between the hours of 10:00 a.m. and 6:00 p.m. Monday through Sunday; ten (10) events per year with up to 30 guests per event; one (1) event per year with up to 100 guests

Hours of Operation (Approved): 6:00 a.m. to 6:00 p.m. daily for production
Hours of Operation (Proposed): 6:00 a.m. to 6:00 p.m. daily for production, 10:00 a.m. and 6:00 p.m. for visitation

Parking (Approved): Four parking stalls
Parking (Proposed): Six parking stalls

Setbacks:

Required Road setbacks – 600 feet from State Highway 29 (front); 300 feet from private access road (side - north property line), 20 feet from the south side property line and 20 feet from the west rear property line.

Required Property line setbacks - 20 feet side and rear yard setbacks (for structures).

Proposed Cave: 905 feet from centerline of State Highway 29, 343 feet from private access road, 20 feet from south side property line and 20 feet from west rear property line

Proposed Tasting Room: 805 feet from centerline of State Highway 29, 390 feet from edge of private access road, 65 feet from south side property line and 155 feet from west rear property line

Proposed Fermentation Building: 845 feet from centerline of State Highway 29, 420 feet from private access road, 112 feet from south side property line and 30 feet from west rear property line

Adjacent General Plan Designation / Zoning / Land Use:

North: Agriculture, Watershed and Open Space (AWOS) General Plan land use designation/Agricultural Watershed/Large lot residential

South: AWOS/AW/Large lot residential

East: AWOS/Agriculture Resource (AR), Agriculture Preserve (AP)/Agriculture -Vineyards

West: AWOS/AW/Large lot residential

Wineries in the Vicinity:

Please refer to Attachment K.

Parcel History:

The existing vineyard was permitted under an Erosion Control Plan (ECP) approved in 1999. A Use Permit (03409-UP) for an 8,000 gallon per year winery was approved by the Planning Commission on May 18, 2005, but was never constructed and expired. This Use Permit approved a new winery totaling 3,109 square feet with five full-time and one part time employees, tours, tasting and retail sales for up to 10 visitors per day and 35 visitors per week, a new septic system and a marketing plan that included 12 events per year with a maximum of 20 people per event and two events per year with a maximum of 50 people per event. Improvements included the installation of a left turn lane to serve the subject site. On June 15, 2016, the Planning Commission approved the Sodhani Winery Use Permit (P14-00402) and Viewshed Permit (P16-00111). This Use Permit allowed for a new 12,000 gallon per year winery and an associated structure (cut and cover cave) totaling 7,150 square feet, two full-time employees during non-harvest and an additional two, part-time employees during harvest. No visitation or marketing events were requested or authorized with this approval. An application to deemed the Use Permit "Used" was submitted to the County on May 4, 2018 prior to expiration of the use permit. This determination was issued by the PBES Department on June 18, 2018 (P18-00183).

Code Compliance History:

There are no open or pending code violations on the subject property.

Discussion Points:

Setting: Site topography is moderately sloping with average slopes less than 30 percent. The site is located within the Napa River watershed and outside of the 100 and 500 year flood hazard zones. The United States Department of Agriculture Soil Conservation Service Soils Map for Napa County indicates the project site is mapped as Boomer gravelly loam, 15 to 30 percent slopes. Based upon the Napa County Environmental Sensitivity Maps (Liquefaction layer) the area of the project site proposed for development has a very low susceptibility for liquefaction. Native vegetation of the general area consists of oak woodland and mixed hardwoods. The closest residence to the proposed winery structure would be approximately 565 feet. No existing vineyards would be removed as part of the proposal.

Modifications to Use Permit P14-00402-UP: Production and program modifications to the previously approved use permit and viewshed permit include an increase in production from 12,000 gallons per year to 20,000 gallons of wine per year and the addition of a visitation and marketing program that would allow for up to eleven guests per day for tours and tastings with a maximum of 77 guests per week for visitation and up to ten marketing events a year with up to 30 guests and one annual event with up to 100 guests for marketing. Visitation would occur between the hours of 10:00 a.m. and 6:00 p.m. and production would occur between the hours of 6:00 a.m. and 6:00 p.m.

Modifications to the physical development of the project include the relocation and reduction in size of the approved cut and cover cave from 7,150 square feet to 4,603 square feet. The cave would be relocated from the center of the west side property line to the southwest corner of the property. The cave would include two portals located to the rear of two newly proposed structures, including a tasting and administration building (approximately 2,943 square feet) and a fermentation building (approximately 1,811 square feet). In addition, the project includes additional impervious surface to accommodate the distance of the driveway to the new location of the cut and cover cave and the proposed new structures.

Modifications to Viewshed Permit P16-00111-VIEW: The physical modifications to the proposed development described are subject to review under Chapter 18.106 (Viewshed Protection Ordinance) of the Napa County Zoning Ordinance because of the project's proximity to State Highway 29 and Silverado Trail, both of which are designated public roads in the Napa County General Plan. As proposed, the project design substantially conforms to the standards set forth in the County's Viewshed Protection manual because it would avoid grading on slopes in excess of 30 percent and it would be located more than 25-feet below the minor ridgeline. In addition, due to the proposed location, the slope of the property and the existing vegetation on site, a majority of each structure and the cave portals would be screened from view of State Highway 29 and Silverado Trail. Further, the applicant proposes planting olive trees to further reduce the potential for visual impacts.

Visitation/Marketing Program - As shown in Attachment K, the proposed marketing program exceeds the annual marketing visitors average and median calculations of similar production capacity of by appointment wineries. However, visitation would include a maximum of 11 visitors per day and 77 per week, consistent with a several other 20,000 gallon wineries within the County. The project was reviewed by the Department of Public Works which determined that the increased number of visitors did not result in the necessity of a left hand turn lane. In addition, the applicant intends to minimize traffic trips by encouraging carpooling and by utilizing shuttles for visitor transportation during the eleven yearly marketing events. The project was also analyzed for environmental impacts under CEQA and it was determined that impacts resulting from the visitation and marketing proposal are less than significant. As such, staff has determined that the proposed visitation and marketing program is appropriate for the project and supports the applicant's proposal.

Groundwater Availability - Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. 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.

A Tier 2 analysis was completed by O'Connor Environmental, Inc. on May 18, 2020, which included a parcel specific recharge evaluation. According to the recharge evaluation, groundwater recharge for the project parcel is estimated to be 10.4 AF/YR (O'Connor Environmental, Inc., 2020). Annual demand for the proposed project would be 4.5 AF/YR, which represents 43% of the estimated recharge during an average water year. The estimated surpluses under proposed conditions indicate that increase in water use associated with the proposed project modifications is unlikely to result in depletion of groundwater resources.

Wastewater - The project site is presently served by an onsite wastewater disposal system. An Onsite Wastewater Disposal Feasibility Study dated May 8, 2020 and prepared by Applied Civil Engineering analyzed three options for waste disposal that would be appropriate for the project. The first option would involve the construction of a septic system and leach field for sanitary waste disposal and a hold and haul system for process wastewater disposal. The second option for wastewater disposal would include a septic system and leach field, and process wastewater treatment for irrigation. The third and final option would include a septic system and leach field sized to

accommodate both sanitary and process waste. The study determined that all three systems would be appropriate for wastewater disposal on the project site. At the time of project implementation, the applicant will indicate which of these options he's elected to implement for wastewater disposal.

Biological Resources: The Conservation Regulations set forth in Chapter 18.108 of Napa County Code provide that, in the AW zoning district, a minimum of 70 percent vegetation canopy cover as configured on the parcel existing on June 16, 2016 shall be maintained as part of any use involving earth disturbing activity [Section 18.108.020(C.)] Vegetation Retention Requirements). Development of the modified project would require the removal of 16 trees, including four olive trees, two madrone, six Douglas fir, one maple and three fruit trees. Based on the size of the property (approximately 12.14 acres) and the existing canopy cover, the proposed tree removal would remain in compliance with this section. As such, impacts resulting from tree removal would be less than significant.

Forest Ecosystem Management conducted a Northern Spotted Owl (NSO) Assessment, dated May 26, 2020, on the project site. The assessment resulted in a finding that project site does not contain suitable NSO habitat. Further, due to the adjacent vineyards, the lack of contiguous canopy closure and the presence of actively-used structures, the project site is unsuitable for NSO habitat. As such, the proposed removal of 16 trees from the project is unlikely to negatively impact NSO habitat. In addition, due to the distance of the project site from the nearest known active NSO habitat area, the potential to disturb the active habitat is unlikely. With the implementation of the previously adopted mitigation measures, included in the conditions of approval (Attachment B), impacts resulting from implementation of the proposed project would be less than significant.

Greenhouse Gas Reduction Strategies: The applicant team completed the Best Management Practices Checklist for Development Projects, which is attached to this report as part of the application materials. The applicant proposes to implement several greenhouse gas reduction strategies, including the following: 1.) generation of onsite renewable energy with photovoltaic panels; 2.) solar hot water heating; 3.) energy conserving lighting; 4.) Energy Star rated/Living/cool roof; 5.) water efficient fixtures; 6.) low-impact development (minimal grading and vegetation removal); 7.) Water efficient landscaping; 8.) Waste recycling; 9.) Composting; 10.) Sustainable purchasing and shipping programs; 11.) Electric vehicle charging stations; 12.) Availability of public transit; 13.) Buildings designed for optimum natural lighting, heating and cooling; 14.) Sustainable practices; 15.) Use of cover crops; and 16.) Retention of onsite vineyard biomass for reuse. These measures, in addition to GHG Emission reductions from local programs and project level actions, including CalGreen Building Codes and vehicle fuel efficiency standards, would reduce emissions below the thresholds of significance.

Grape Sourcing - The project site is developed with 6.4 acres of vineyards. The applicant plans to source grapes from the onsite vineyards and supplement the fruit by sourcing additional grapes from a Napa County grower with fruit that has similar characteristics to those onsite.

Public Comments - At the time of staff report preparation, no public comments had been received.

Decision Making Options

As noted in the Executive Summary section above, staff is recommending approval of the project with conditions of approval as described in Option 1 below. Decision making options also include a no project alternative.

Option 1 – Approve Applicant’s Proposal (Staff Recommendation)

Disposition – This option would result in approval of the requested modification to previously approved use permit P14-00402 and Viewshed Permit No. P16-00111 and would allow for the construction of the proposed 20,000 gallon per year winery and the addition of a visitation and marketing program.

Action Required – Follow the proposed actions listed in the Executive Summary below. If conditions of approval are amended, specific 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 - Reduce the Applicant's Proposal

This option includes approving the applicant's proposal with a reduction in the number of daily visitors and/or days of visitation and/or number of marketing events.

Action required - Follow the proposed actions listed in the Executive Summary and amend the scope and project specific conditions of approval and required conditions of approval to reduce the maximum daily visitation and/or days of visitation and/or number of marketing events. If significant revisions to the conditions of approval are required, the item may be continued to allow staff adequate time to prepare the revised conditions.

Option 3 – Deny Applicant's Proposal

Disposition – In the event the Zoning Administrator determines that the project does not, or cannot, meet the required findings for the granting of a Use Permit, deny the project. The Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required – Zoning Administrator would take a tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Zoning Administrator on a specific date.

Option 4 - Continuance Option

The Zoning Administrator may continue an item to a future hearing date at their own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Agency Approval Memo's
- C . MND Addendum
- D . Use Permit Application Packet
- E . Viewshed Permit Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Stormwater Control Plan
- I . Owl Study
- J . Graphics
- K . Winery Comparison Analysis

Zoning Administrator: Approve

Reviewed By: Charlene Gallina