

CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
NAPA COUNTY

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IN RE: ITEM 9B RELIC WINE CELLARS/COURTENAY THROCKMORTON &
MICHAEL HIRBY--USE PERMIT REQUEST #P10-00162-UP

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TRANSCRIPT OF AUDIOTAPED PROCEEDINGS
MEETING OF AUGUST 18, 2010

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PRESENT:

HEATHER PHILLIPS, Chairperson
MATT POPE, Vice-Chairperson
MICHAEL BASAYNE, Commissioner
TERRY SCOTT, Commissioner
BOB FIDDAMAN, Commissioner

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Transcribed by: Kathryn Johnson

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1 CHAIRPERSON PHILLIPS: All right, I'm going to call the
2 meeting back to order. We are on Item 9B, the Relic Wine
3 Cellars. And Trish, would you like to give us an overview
4 please.

5 PATRICIA HORNISHER: Good morning Chairman Phillips and
6 Commissioners. My name is Patricia Hornisher and I am the Staff
7 Planner for the Relic Wine Cellars project. Before I begin I
8 wanted just to make sure that three additional neighbor letters
9 were received today. One in support of the project from Eric
10 Lilvois I believe is the right pronunciation, and two objections
11 from Kristi Johnston, Edmund Grant, and Michael Caglarcan, and
12 Tara Rokstad. And just--we're making sure that you received
13 those, they were passed out to you, and also they were passed
14 out also for the public at the back table. With that...Are we
15 good with that?

16 [UNKNOWN]: Does anyone need any additional time to read?

17 CHAIRPERSON PHILLIPS: We have all the letters. Thank you.

18 MS. HORNISHER: Beside it is a request by Michael Hirby and
19 Courtenay Throckmorton for a New Winery Use Permit and an
20 Exception to the Napa County Road and Street Standards. The
21 winery is located on a 10.3-acre parcel off a private road on
22 the east side of Soda Canyon Road approximately four miles north
23 of this intersection with Silverado Trail. The Use Permit
24 involves establishment of a new winery with production maximum
25 at 20,000 gallons per year.

26 The winery itself will be built in two phases with the
27 production and accessory building--hospitality building being
28 built in the first phase totaling 8,641 square feet. And Phase

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1 II will include the cave type one, no public access, totaling
2 2,458 square feet. Just for your information, the accessory
3 portion of the production facility is 33 percent, 40 percent
4 maximum allowable. The fruit will be acquired from off-site
5 vineyards with 75 percent of the fruit being grown in Napa
6 County. Currently there are no vineyards on site.

7 The normal days of operation will be six days a week from
8 7:00 a.m. to 5:00 p.m. and there will be four full-time
9 employees. Visitation is requested for 20 visitors per day,
10 maximum 120 per week, and a marketing plan totaling 12 per year
11 with 25 persons per event. And one 50-person event per year, and
12 also participation in the Napa Valley Wine Auction. There is no
13 commercial kitchen in this request, and all the tours and
14 tasting and marketing event food serving would be catered by a
15 licensed caterer in Napa County, approved by the Department of
16 Environmental Management.

17 The applicant also requests an exception to the Road and
18 Street Standards, to reduce road widths to preserve existing
19 mature oak trees on the first portion, and preserve rock
20 outcroppings and minimize grading on steep slopes adjacent to an
21 existing [drainage] course on the second portion. The two
22 portions total 400 feet of the existing 1,200-foot-long winery
23 access road. Staff has done some calculations on the slope
24 averaging--they range from--that are less than 30 percent grade,
25 and also that the exception itself will--on those portions that
26 are included in the exception will be reduced to 20 percent
27 slope, which is the standard--Public Works standard.

28 The road exception request has been worked out to include

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1 some conditions, and we worked really hard on this. The
2 applicant and Public Works worked really hard to come up with
3 some conditions that would produce the same overall practical
4 effect as the standards. Those limiting conditions are limiting
5 tours and tasting, marketing, and deliveries so that none of
6 these occur at the same time of day. And installation of yield
7 signs at the top of the hill and vegetation management. Staff
8 believes, and Public Works believes that the findings can be
9 made for the road exception with these conditions included.

10 Public Works also reports that the level of service on Soda
11 Canyon Road is A, and the applicant has also done a site
12 distance report in that area. The site distance report concluded
13 that the standard for stopping distance is well above the
14 CalTrans standard. Public Works has also gone out to view this
15 area and agrees that there isn't a concern here. The--I wanted
16 to point out that because there are the conditions existing on
17 the road exception that it has the overall effect of lessening
18 the overall traffic trips and noise in any given day.

19 Water serving the winery operation and fire protection is
20 via one existing well. There are five reserve tanks for fire
21 protection. And the Phase I water availability analysis shows
22 that future water will increase to 0.53 acre feet per year,
23 which falls well below the County-allotted acre feet per year,
24 which is 5.1.

25 So, let's look at the images that we have for you today.

26 CHAIRPERSON PHILLIPS: I'm sorry, so the five tanks are
27 just for fire protection, and the water for any home and for the
28 winery would be from the existing well.

1 MS. HORNISHER: That's my understanding. The first slide
2 shows that we are in the General Plan area of Agricultural
3 Watershed in Open Space, and that the site is located in Soda
4 Canyon, which is right here in between Foss Valley and Stags
5 Leap with the distance from the town of Yountville at
6 approximately three and a half miles as the crow flies.

7 Looking at the zoning map, we see that the subject parcel
8 is here, the surrounding zoning is Agricultural Watershed. And
9 that it's located north of two existing wineries, Waugh and V12,
10 and to the south there are three more wineries at the top of
11 Soda Canyon Road, Vallentte, Astrale, and Atlas Peak to the
12 north. These names may have changed due to business hands--
13 changing hands, but currently that's what our names are on our
14 winery database.

15 This image shows the overall site plan. And the location
16 you can see the winery is here at the far east portion of the
17 parcel. The primary and reserve septic are in the lower area
18 here. The drainage that we're talking about with regard to the
19 road exception runs along this way and drains down into this
20 parcel below, the McFadden parcel. There's also a slight
21 drainage on this side of the rock wall that drains that
22 direction. This also shows that the winery will improve the road
23 to 20 feet except for this portion here down below 100 feet to
24 avoid the oak trees, and this portion up here 300 feet to avoid
25 the drainage and the rock outcroppings above. The slope along
26 the road as Staff calculated various portions of the road at
27 ten-foot intervals ranges between 14 and 29 percent with an
28 average of 20 percent.

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1 This image shows the site plan detail and the parking areas
2 here, here, and above with the ADA on the higher level of the
3 winery. We believe that the parking--the calculations that I did
4 on a normal business day are adequate, and there is parking also
5 available in these areas when a large event takes place.

6 So let's kind of look at the aerial, the existing aerial,
7 this is the parcel here that we're talking about. You can see
8 that there's already a road cut here that leads up to the
9 winery. That was previously done by a former owner for residents
10 with the residence being proposed in this area, and a second
11 unit in this area. This will be the location also for the
12 winery, the cave behind it, and the road is pretty much already
13 graded and it's either gravel or paved in various locations.
14 Again, this will be improved to the 20-foot standard, except in
15 the two areas I pointed out before, here, and down here.

16 The next slide shows the basic ground floor layout and the
17 cave, which is directly behind the winery that will be built in
18 Phase II, the orange being the production area, and the purple
19 being devoted to accessory use.

20 Second floor layout up above, again production is orange,
21 accessory is purple. This is where the hospitality will take
22 place. And there's also decks on these two sides which are
23 looking to the south and the east.

24 I included this just to show you that we did calculate the
25 grade of the slope of the parcel across the parcel. And it came
26 in below 30 percent, I think it was 27.5. But also, you can see
27 from this image that they will be trellising across the roof,
28 upon which they will grow some vines, and that constitutes their

1 living roof as it's known in architectural terms. But it helps
2 to not only cool the building, but break up the industrial look
3 of it.

4 The next images show the elevations, and these are
5 obviously a very modernistic approach to the winery. The overall
6 style is known as Organic Modernist with a minimalist approach
7 to design and the use of earth tones standing seam metal walls--
8 panels and the living greenery on the roof structure. You can
9 see that the trellising is connected into the hill, and this is
10 where the decking areas will be, here, and here.

11 So, my comments on the project are that the Staff believes
12 that the project is well designed to fit within the existing
13 parcel with the least amount of disturbance to the parcel,
14 existing trees and drainage. And this design incorporates
15 elements of green technology and consciously conserves water
16 through the use of water-saving devices as you can see from your
17 greenhouse gas checklist. And also, that the wineries on Soda
18 Canyon Road that I pointed out before, the four wineries, range
19 from 20,000 gallons to a high of 450,000 gallons.

20 [UNKOWN]: Hit the O.K. button.

21 MS. HORNISHER: Okay, sorry. I don't have Jeff Tangen in
22 here today, so I'm kind of lost. So you can turn them off, thank
23 you.

24 Compared to these wineries the proposed intensity of
25 operation is consistent with the smaller wineries in this
26 neighborhood. And it also meets the requirements of the Winery
27 Definition Ordinance. A lot of neighbors have come out today, at
28 least I have received six letters of concern and also a

1 concerned neighbor came to the counter a couple of times asking
2 about various aspects of the project. And I'll let them explain
3 what their concerns are. There are environmental impacts that--
4 in traffic and noise that they're concerned about. There are
5 other things as well. And then there are also 12 letters of
6 support, three of whom are neighbors on Soda Canyon Road, and
7 hopefully they're out to support the project as well.

8 In summary, Staff recommends adoption of the Negative
9 Declaration and approve the Exception to the Napa County Road
10 and Street Standards, and the Use Permit Request with the
11 Proposed Conditions of Approval as stated on Exhibit B. And I'm
12 finished with my presentation and I'd be happy to answer any
13 questions you might have.

14 CHAIRPERSON PHILLIPS: I think we do have a few questions
15 for you. Commissioner Scott?

16 COMMISSIONER SCOTT: One quick one, Trish, what's the color
17 scheme of the winery building materials?

18 CHAIRPERSON PHILLIPS: There were no color--the images.

19 MS. HORNISHER: The color scheme is a brown tone on the
20 seams, the roof is going to be transparent plastic tone, I'm
21 assuming it will be semi-transparent with the vines over the top
22 being green. But in general you have dark glazed windows and
23 brown standing seam metal siding.

24 COMMISSIONER SCOTT: Okay. Thank you.

25 CHAIRPERSON PHILLIPS: I had one question, in terms of the
26 parking for events, you know we have our standard condition that
27 if any event is held which will exceed the available onsite
28 parking, the applicant shall arrange for offsite parking and

1 shuttle service. And I noticed we have six spaces and then there
2 was additional space. So what size event would kick in a shuttle
3 being required?

4 MS. HORNISHER: I would say the 50 and above.

5 CHAIRPERSON PHILLIPS: 50 and above would kick in, okay.
6 Commissioner Fiddaman, did you have anything?

7 COMMISSIONER FIDDAMAN: You asked my question.

8 CHAIRPERSON PHILLIPS: Okay, great minds, you know. Okay,
9 are there any other questions for Trish at this time? Okay, I'm
10 going to open the public hearing, and I want to give everyone a
11 little overview about how this usually--the format usually
12 works, which is that the applicant speaks, and then all other
13 interested parties can come to the microphone and state their
14 name and address and then usually the applicant will then close
15 with a statement as well. So here we have on behalf of the
16 applicant, if you'd like to state your name and address.

17 JON WEBB: Good morning Madam Chairman and Commissioners,
18 my name is Jon Webb 1113 Hunt Avenue, St. Helena. I am here
19 today with the applicants, owners of the properties, Mike Hirby
20 and Courtenay Throckmorton. And just so you know, she goes by
21 Schatzi, and it's a lot easier for me to say Schatzi than
22 Courtenay, so...

23 CHAIRPERSON PHILLIPS: It was a little confusing at first,
24 and then I caught on in the documentation about that.

25 MR. WEBB: So, I will refer to her as Schatzi today. As
26 Trish said, it's a 20,000-gallon winery, no variances are
27 requested. The septic system for the project is on site. There's
28 an alternative septic system that's a secondary system that is

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1 partially on site for the sanitary waste and hold and haul for
2 the winery waste. Besides the primary system being completely on
3 site, there's also a 200-percent reserve area if for some reason
4 that system happens to fail it is required by the Environmental
5 Health Department and County Code.

6 Before I go through what I have prepared I'd like to answer
7 Commissioner Scott's question about the building if that helps
8 to clarify a little bit. The building--there's been numbers
9 thrown out that the project is 11,000 square feet, which in a
10 way that's the situation, but I want to impress that the
11 building is a two-story building. The bottom floor is
12 approximately 2,200 square feet of the actual building. And then
13 the top floor is sort of an L shaped with the back end of the
14 building of the L way, and that floor is approximately 3,000
15 square feet, and it overhangs the rear crush pad, tank pad.
16 Essentially the building itself, as the building goes, is about
17 5,800 square feet. And there's an additional 2,500 square feet
18 of caves, and where the number 11,000 square feet keeps coming
19 up is--that is--in the design of the structure the applicants
20 decided the best use of the property facility and the best way
21 to do what they can to protect the neighborhood was to build a
22 roof that covers the entire building and the crush pad and the
23 tank pad, all that's covered. So I want to make that point just
24 because later on we'll talk about the building size, and of
25 course my impression of what a small winery is because that
26 question seems to be coming up.

27 So, this roof, approximately 9,000-square-foot roof that
28 covers everything is--the portion of the roof is actually over

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1 the L shaped building--is a metal roof, dark tones, matching the
2 walls of the building, which I have a color sample of. And the
3 remaining roof that isn't over the building but is over the tank
4 area, the crush pad, and so forth, that is a--kind of a not see
5 through, corrugated, vinyl roof, plastic roof, that has kind of
6 a milky tone to it. You've probably all seen those types of
7 roofs before. It has then a metal wire mesh over it and is--
8 Trish had stated--cables will be going over the roof and down
9 the front of the building where evergreen vines will be growing
10 again to shield the roof and kind of commute down the front of
11 the building.

12 The color sample I have, which I'm not sure what's
13 appropriate, but I could pass it around, is a darker tone, earth
14 tone, fits to the natural rock and vegetation out there at the
15 site. I'd be happy to pass this around so everyone can see it up
16 close.

17 In processing and preparing the application, I always warn
18 my clients that I won't process a winery permit for them if they
19 don't agree to contact the neighbors. And there has been a
20 neighbor outreach on behalf--by Mike and Schatzi. And there's
21 some neighbors here that oppose the project, we have met with
22 some neighbors, the ones that were willing to meet, or wanted to
23 meet. Mike and Schatzi have talked to some other neighbors on
24 the phone. A brief recap of the neighborhood outreach: On July
25 13 or so the applicants sent out a letter to all the neighbors.
26 One neighbor responded with a phone call, given that only one
27 neighbor responded I asked Mike and Schatzi to call all the
28 neighbors. They called and either chatted or left a voicemail

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1 with each neighbor, except for three neighbors which they
2 couldn't find a phone number, and when we discussed that they
3 couldn't find a phone number, I asked them to send the letter
4 again. So, we started the outreach on July 13, a little bit more
5 than a month ago. We met with one neighbor on approximately
6 August 4, the first neighbor we had met with. Besides some brief
7 phone conversations with another neighbor, and the response was
8 basically we don't want a winery here, we have a perfect
9 neighborhood and we don't want that neighborhood to be ruined.

10 Well, we had spent time in the meeting at the neighbor's
11 house and asked what we could do to mitigate some concerns, and
12 the response was pretty much we just don't want a winery here.
13 We had gone through the plans and explained how we had made
14 certain design features that would protect the neighborhood,
15 protect this particular neighbor who's uphill of the project
16 about 650 feet away. But there was no specific request with what
17 we could do or how we could make this a better project. So, I
18 think we left at an impasse that day.

19 One other neighbor, the only other neighbor that contacted
20 us and wanted to see the site, he contacted us last Friday
21 night, and we met with him on Saturday morning. Again, the same
22 discussion, you know, how can we make this a better project for
23 you, and the response was don't build a winery. And there was no
24 other suggestions offered. We had offered some suggestions, and
25 again impressed upon the neighbor how we had designed the roof,
26 designed the structure, designed the building itself to really
27 limit the exposure to neighbors. But again, I think we left at
28 an impasse and that neighbor. Mr. Caglarcan submitted a letter

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1 this morning.

2 Going through the other neighbors' opposition letters, the
3 theme of the letters are we don't want a winery because of
4 noise, because of traffic, because of depletion of the water
5 system. And again, none of the neighbors who had sent these
6 letters were from what I understand and what I gathered are
7 interested in a meeting to discuss these issues. One neighbor
8 said flat out I don't want to talk with you, you'll bring it up
9 with the Planning Commission. So, I feel that we've made a valid
10 effort to contact neighbors and try to mitigate issues, but
11 again no real specific issues other than no winery at all were
12 brought up.

13 Real quickly, I had mentioned septic, septic is on site
14 with a 200-percent reserve area. Water usage: The property has a
15 well that was tested in 2007. It's a very well-producing well.
16 Our usage for the winery is approximately .53 acre feet per year
17 per the County standards, well below the allocated amount,
18 essentially one tenth of what's allocated. In reviewing County
19 Code, county requirements, county deadlines, this is the same
20 use as a very small residence with real minimal landscaping, a
21 residence uses more water than this winery will use.

22 Another concern was sound of the neighbors that we spoke to
23 and the neighbors that wrote letters. A year and a half ago, I
24 think two years ago maybe, we had a winery permit before the
25 Commission that was the Pavitt Winery up in Calistoga. Sound was
26 a big concern of the neighbors, so they actually commissioned an
27 acoustic study from an engineer. And I was reviewing that
28 report, and I had offered that report to the neighbor we had met

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1 with and [sent it up] to look at it in regards to sound--the
2 anticipated sound to the winery per the County CEQA Guidelines
3 is 60 decibels. In reviewing the study, the consultant agreed
4 that 60 decibels is the allocated amount of sound projected by
5 the winery. But in further reviewing the report I noticed that
6 immediately 50 feet away from the sound source, the sound drops
7 down 10 to 15 decibels. So, at 60 that brings us down to 45 or
8 50 decibels for a typical winery. And that is specifically the
9 crushing machine, the press, and the bottling wine.

10 Looking at County Code, any sound--or I should say the
11 sound level at 50 decibels is allowed to run for 30 minutes per
12 hour. Given this design, and this criteria and the study by a
13 previous consultant on a previous project, our sound projection
14 will be in a range of 40 to 45 decibels 50 feet from the winery.
15 Past the 50 feet I don't know how sound travels, I don't know
16 how that works. The closest neighbor again, is above us, is 650
17 feet, that I'm aware of. So I do believe although sound is
18 concerned and it is a quiet neighborhood, I think the sound
19 emitted from this winery is pretty minimal. I pointed out to the
20 two neighbors that we had met with that the winery has
21 constraints and rules and regulations on how we operate, how the
22 noise is generated in regards to music as regard to hours. And I
23 impressed upon them that the winery is going to be less
24 intrusive, in our opinion, than a residence would be, it's not
25 controlled by the specific regulations and these Conditions of
26 Approval.

27 Another concern that came up was traffic. And while the
28 winery will increase traffic, it's believed and it's been

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1 confirmed by Public Works, Napa County Public Works, that it
2 will not be an increase in traffic that will be--Public Works
3 didn't use the term greatly noticeable, but I'll use the term
4 greatly noticeable--it won't be very greatly noticeable in the
5 scheme of things. The harvest at this level warrants one
6 delivery a day. I think most people in the wine business know
7 that one truck doesn't come a day, typically three or four
8 trucks would come a day with a winery of this size. So there may
9 be three or four trucks per day on one day, and three or four
10 trucks--or three or four days where there's no activity from
11 [grape deliveries].

12 As far as traffic and regards to employees and visitors, on
13 an average day, the calculations support four to eight vehicles
14 a day on a busy day. I think the numbers came in at about 16,
15 potentially 18 cars a day. And again this on the busiest day, if
16 everyone's there on one single day, which is not very typical.
17 Again in the road exception the applicant offered restrictions
18 on traffic, if there was going to be deliveries of grapes, of
19 supplies, of whatever's happening there, private tours, a
20 tasting wouldn't be scheduled, they would be worked around the
21 delivery schedule. And an important thing to remember too is the
22 designation between peak trips per day and non-peak trips per
23 day. A common discussion in the neighborhood was there's a lot
24 of traffic first thing in the morning and at the end of the day.
25 Well, in regards to grape crushing and marketing and visitors,
26 they're not coming during the peak times of the day. The grapes
27 can't get there until the people picking the grapes get to the
28 vineyard, and that's the peak hours in the morning and later on

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