



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 1/20/2016

Agenda Placement: 9A

Continued From: 5/6, 5/20, 6/3, 10/7 & 11/4/15

## Napa County Planning Commission Board Agenda Letter

---

**TO:** Napa County Planning Commission

**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** SHAVETA SHARMA, PLANNER III - 707-299-1358

**SUBJECT:** Stag's Leap Wine Cellars Use Permit Major Modification #P13-00356-MOD and Variance #P13-00357-VAR

---

### **RECOMMENDATION**

#### **STAG'S LEAP WINE CELLARS - USE PERMIT MAJOR MODIFICATION NO. P13-00356-MOD AND VARIANCE NO. P13-00357-VAR**

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

**Request:** Approval to modify the previous project approvals (Use Permit #U487273, Use Permit #867576, Use Permit #U517980, #U438384, #U-4684885, Use Permit #487273-MOD, Use Permit #97046-MOD, Use Permit #00055-MOD, and Use Permit #03469-MOD #03468-VAR) for an existing Winery to allow the following: 1) demolition of two existing production buildings totaling 8,514 square feet to be replaced by two new production buildings totaling 10,966 square feet in size; 2) modification of the existing Marketing Plan of 150 annual events to be replaced with the proposed 10 annual tastings with lunch for up to 80 persons, 40 annual tastings with lunch for up to 40 persons, 6 annual tastings with dinner for up to 100 persons, 20 annual tastings with dinner for up to 80 persons, 25 annual tastings with dinner for up to 35 persons; 50 food and wine pairing seminars for up to 25 persons; two large private events with 250 persons, and participation in Auction Napa Valley; 4) a new access driveway to the two new production buildings; 5) restriping of the existing parking area and addition of 13 parking spaces for a total of 118 spaces; 6) upgrades to existing wastewater systems including reserve area; 7) a new 738 square foot covered fruit sorting and loading and staging area; 8) a new 682 square foot covered deck; and 9) grading resulting in removal of approximately 500 cubic yards of soil to be deposited off-site. The proposal also includes a Variance request for the two new production buildings to encroach 474 feet into the required 600 foot setback from Silverado Trail and  $\pm 264$  and  $\pm 288$  feet, respectively from a private driveway. There are no changes to production, daily visitation, or the number of employees. The project is located on a 40.22 acre site at 5766 Silverado Trail, Napa, approximately 3.2 miles south of Yountville Cross Road, Assessor's Parcel Number: 039-030-040.

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

**Staff Contact:** Shaveta Sharma; (707) 299-1358; shaveta.sharma@countyofnapa.org

**Applicant Contact:** Jeffrey Redding, 2423 Renfrew Street, Napa, CA 94558; (707) 255-7375; jreddingaicp@comcast.net

**CONTINUED FROM THE MAY 6, 2015, MAY 20, 2015, JUNE 3, 2015, OCTOBER 7, 2015, AND NOVEMBER 4, 2015 REGULAR MEETINGS.**

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration based on Findings 1-6 of Exhibit A;
2. Approve Variance Application (P13-00357) based upon Findings 7-13 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B); and
3. Approve Use Permit Modification (P13-00356) based on Findings 14-18 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

### **Discussion:**

Stag's Leap Wine Cellars was established on March 21, 1973, by approval of Use Permit #U487273 for a 55,500 gallon/year winery in a 2,500 square foot winery building. There were subsequent use permit modification approvals to expand the facility and production to 330,000 gallons per year. The winery in 2014 processed 329,000 gallons of wine; has a total of 74,702 square feet of production area and 25,094 square feet of accessory uses; employs 60 full-time employees and six part-time employees; offers tours and tastings for an average of 100 visitors per day and 700 visitors per week; and holds 150 annual marketing events.

The item was continued at the request of the applicant in order for them to determine the extent of their pre-WDO vested rights. Because this application does not address visitation, or request any modifications to drop in and/or by appointment visitation this determination was ultimately deleted as it was unnecessary for purposes of processing this application.

The applicant is currently requesting approval of a use permit major modification to demolish two production buildings totaling 8,514 square feet to be replaced by two new production buildings totaling 10,966 square feet in size; modification of the existing Marketing Plan of 150 annual events to be replaced with the proposed 10 annual tastings with lunch for up to 80 persons, 40 annual tastings with lunch for up to 40 persons, 6 annual tastings with dinner for up to 100 persons, 20 annual tastings with dinner for up to 80 persons, 25 annual tastings with dinner for up to 35 persons; 50 food and wine pairing seminars for up to 25 persons; two large private events with 250 persons, and participation in Auction Napa Valley; a new access driveway to the two new production buildings; restriping of the existing parking area and addition of 13 parking spaces for a total of 118 spaces; upgrades to existing wastewater systems including reserve area; a new 738 square foot covered fruit sorting and loading and staging area; a new 682 square foot covered deck; and grading resulting in removal of approximately 500 cubic yards of soil to be deposited off-site. Because the two new production buildings will be located within the required 600 ft. winery setback and ±264 and ±288 feet, respectively from a private driveway, approval of a variance is being

requested.

Staff finds that the property has several development constraints and that some form of variance is needed to allow the winery structure to be located within the Silverado Trail and private driveway setback to avoid disturbance to Chase Creek and its riparian habitat, increased visibility, increased grading and impervious surface, and the hillside located on the northeastern corner of the property thereby eliminating the need for a Conservation Regulation Exception. Furthermore, the proposed variance request represents a replacement of two existing buildings to be removed within a previously disturbed footprint, with only a modest increase in size. This replacement does not meaningfully increase the site's existing legal non-conformity. Staff further finds that the proposed marketing additions are a slight decrease to the overall marketing for the Winery.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any lists of hazardous waste enumerated under Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Owner:** Stag's Leap Wine Cellars, 5766 Silverado Trail, Napa, CA 94558; (707) 944-2020

**Applicant:** Brian Jones, Stag's Leap Wine Cellars, 5766 Silverado Trail, Napa, CA 94558; (707) 944-2020

**Representative:** Jeffrey Redding, 2423 Renfrew Street, Napa, CA 94558; (707) 255-7375;  
jreddingaicp@comcast.net

**Zoning District:** Agricultural Preserve (AP) and Agricultural Watershed (AW)

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

**Filed:** October 15, 2013

**Complete:** February 26, 2015

**Parcel Size:** 40.22 acres

#### **Winery Characteristics:**

**Winery size – Approved:** ±74,702 sq. ft.

**Winery size - Proposed:** ±82,500 sq. ft.

**Production Capacity- Approved:** 330,000 gallons per year

**Production Capacity - Proposed:** No Change - 330,000 gallons/year

**Development Area-Approved:** 2.63 acres, 6.5%

**Development Area-Proposed:** 3.0 acres, 7.5%

**Winery Coverage-Approved:** 7.0 acres, 17.4%

**Winery Coverage-Proposed:** 7.29 acres, 18.1% (25% maximum)

**Accessory/Production Ratio Approved:** 30.7%

**Accessory /Production Ratio- Proposed:** 29.4%  
(40% allowed)

**Visitation - Approved:** By Appointment only, maximum 300 persons per day; average 100 per day

**Visitation - Proposed:** No change

**Number of Employees-Approved:** Up to 86

**Number of Employees-Proposed:** No change

**Days and Hours of Operation- Approved:** 10:00 am to 4:00 pm, daily (Mon-Sun)

**Days and Hours of Operation- Proposed:** No Change

**Marketing Program- Approved:** 150 annual events; 100 with 60-persons maximum; 50 with 35-person events maximum

**Marketing Program - Proposed:** 153 annual events; modification of the existing Marketing Plan of 150 annual events to be replaced with the proposed 10 annual tastings with lunch for up to 80 persons, 40 annual tastings with lunch for up to 40 persons, 6 annual tastings with dinner for up to 100 persons, 20 annual tastings with dinner for up to 80 persons, 25 annual tastings with dinner for up to 35 persons; 50 food and wine pairing seminars for up to 25 persons; two large private events with 250 persons, and participation in Auction Napa Valley

**Parking-Existing:** 105 spaces, including 1 loading area

**Parking-Proposed:** 118 spaces including 3 loading areas

**Setbacks (required):** 20 feet, side; 20 feet, rear ; 600 feet Silverado Trail

**Setbacks (proposed):** 20' side; ±80 feet rear; ±126 feet from Silverado Trail (Variance required)

**Adjacent General Plan Designation/Zoning/Land Use:**

North:

Agricultural Resource (AR)/Agricultural Preserve (AP)/Agriculture, Vineyards/Wineries (Pine Ridge, Steltzner Vineyards) Rural Residential

South:

Agricultural Resource (AR)/Agricultural Preserve (AP)/Agriculture, Vineyards/Wineries (Regusci Winery, Chimney Rock Vineyards)

East:

Agriculture, Watershed & Open Space (AWOS)/Agricultural Watershed (AW)/Agriculture, Vineyards/Winery (Griffin Winery)

West:

Agricultural Resource (AR)/ Agricultural Preserve (AP), Vineyards/Winery (Hartwell Winery)

**Wineries in the Vicinity (located within 1 mile of the project)**

Refer to attached spreadsheet.

### **Parcel History and Evolution of Project:**

The existing development of the site consists of a 330,000 gallon/year winery facility comprised of six buildings, approximately 38,000 square feet of caves, covered tank barn, 105 parking spaces, both paved and unpaved access roads, a main residence, guest cottage, and accessory equipment and storage buildings. Access to the site is provided directly off Silverado Trail by two driveways. There is an existing left turn lane serving the Winery entrance. Surrounding land uses include existing vineyard, winery and rural residential development. The nearest off-site residence is located across the site's northern boundary, and approximately 635 feet from the existing Winery.

Stag's Leap Wine Cellars was established in 1973, by approval of Use Permit #U487273 for a 55,500 gallon/year winery in a 2,500 square foot winery building. No public wine tours were permitted as part of the operation of the winery. There were subsequent use permit modification approvals to expand the facility to its current form.

In August 1976, Use Permit #867576 was approved by the Conservation, Development, and Planning Commission (the Commission) to construct a 3,600 square foot structure for storage, barrel aging, and office space.

In July 1980, Use Permit #U517980 was approved by the Commission to construct a 5,000 square foot structure for storage, and office space. Tours by appointment were also added to the winery's operations.

In April 1984, Use Permit #U438384 was approved by the Commission to construct a 9,000 square foot structure for barrel and general wine storage.

In June 1985, Use Permit #U-468485 and was approved by the Commission to add public tastings for an unspecified number of guests and to remodel the retail sales room to add a 731 square foot public tasting area within Building #2.

In November 1988, Use Permit #487273-MOD was approved by the Commission to increase the production capacity from 90,000 gallons to 210,000 gallons per year, construct a 20,842 square foot white wine processing building, and utilize 8,000 square foot of caves for barrel storage.

In September 1997, Use Permit #97046-MOD was approved by the Conservation, Development and Planning Department to install an engineered canopy over the existing tank pad and working area.

In December 2000, Use Permit #00055-MOD was approved by the Conservation, Development and Planning Department to add a 1,718 square foot mezzanine within Building #5 and to cover an existing tank pad.

In August 2002, Use Permit 02369MM- A Minor Modification to U-487273 & U #90-28 was approved by the Conservation, Development and Planning Department to permit the construction of a reclaimed water storage facility, relocate vineyards, landscape irrigation pumping facilities and modify, install or construct related piping, electrical and other facilities as required. A concurrent Lot line Adjustment to incorporate a portion of the northern parcel to this APN, to facilitate this request was also approved.

In March 2004, Use Permit #03469-MOD and #03648-VAR was approved by the Commission to increase the annual wine production from 210,000 gallons to 330,000 gallons, and increase in employees from 70 full-time to 80 full-time, 12 part-time employees to remain same; increase in the number of marketing events for distributor tastings and lunches from 30 per year for up to 60 persons to 50 per year with 60 persons; increase the number of marketing events for distributor tastings and dinners from 25 per year for up to 60 persons to 50 dinners per year

with up to 60 persons; addition of 50 food and wine pairing seminars for up to 35 persons; remodel Building #2 and construction of a new 800 square foot crush pad; construction of a new 5,300 square foot visitors center building and relocate the existing 731 square foot tasting room into the new tasting center (as the 731 square foot was shifted this did not affect the Winery's pre-WDO rights for public tastings); remodel and convert a portion of Building #3 from production to offices and restrooms; remodel and convert a portion of existing Building #5 from barrel room to offices; utilize the entire 38,000 square feet of caves for storage and marketing activities and construction of a catering prep kitchen from the existing 8,000 square feet utilized for barrel storage; relocation of the driveway and addition of 40 parking spaces for a total of 105 spaces; and expansion of the septic and wastewater treatment systems. A Variance was approved to allow the construction of a winery building 460-540 feet from Silverado Trail within the 600 foot setback and 296-280 feet setback from a private road within the required 300 foot setback. This application stated that daily visitation was to remain at 300 persons maximum per day which equates to 109,500 persons per year. 120,000 gallons of the 330,000 gallons of approved total production of production is subject to the 75% rule.

**Code Compliance History:**

There are no open or pending code enforcement issues.

**Discussion Points:**

Setting - The 40.22 acre project parcel is located on the east side of the Silverado Trail, approximately 3.2 miles south of its intersection with Yountville Cross Road. The parcel is traversed from north to south by Chase Creek, a blue line stream. There is a residence, guest cottage, and vineyard office located on the northwesterly portion of the property and served by a driveway entering the property from its southern boundary with Silverado Trail. The property is planted in 20.5 acres of vineyard, assuming a conservative yield of four tons per acre would yield 11,808 gallons. The lower eastern portion of the parcel, along the creek is within the 100 year flood zone.

Winery Modification Proposal – The applicant proposes to modify the previous project approvals for an existing Winery to demolish two production buildings totaling 8,514 square feet to be replaced by two new production buildings totaling 10,966 square feet in size; modify the existing Marketing Plan to add three additional events while decreasing the total number of attendees for marketing events; construct a new access driveway to the two new production buildings; restripe existing parking area and add 13 parking spaces; upgrade the existing wastewater systems including reserve area; construct new 738 sq. ft. covered fruit sorting, loading and staging area; construct a new 682 square foot covered deck; and grading work resulting in removal of approximately 500 cubic yards of soil to be deposited off-site. The proposal also includes a Variance request to encroach 474 feet into the required 600 foot setback along Silverado Trail. Production capacity, visitation, hours of operation, and the number of employees remain unchanged. The proposed project would result in the removal of nine trees ranging from 12"-30" in size at DBH. The nine proposed trees consist of Coast Live Oaks, Valley Oaks, and one Cork Oak. The applicant will replace all trees removed at a 2:1 ratio consistent with County General Plan policies relating to tree removal.

Setback Variance Request – This proposal is subject to a 600 foot setback from Silverado Trail (County Code Section 18.104.230), and a 300 foot setback from the private road serving a residence to the north. The location of the two new winery production buildings is  $\pm 126$  feet from the centerline of Silverado Trail and  $\pm 264$  and  $\pm 288$  feet, respectively, from the private driveway and consequently triggers the variance application. To approve a variance the Planning Commission must make all five of the required findings listed below. As discussed below, Staff believes the project site meets all of the required findings, and thus, supports grant of the variance.

**Required Findings pursuant to 18.128.060:**

1) That the procedural requirements set forth in this chapter have been met.

Staff Comment: This requirement has been met.

2) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Comment: The site is an existing operational winery that was originally constructed prior to the adoption of the 600 foot setback requirement, also at time of the Winery's construction the private roadway setback was not in effect. The proposal herein is to demolish two existing buildings located within the setback and replace them with two slightly larger buildings. According to the applicant, the existing buildings cannot be appropriately modernized to accommodate new technologies in the business' operations and, thus, replacement of the buildings is necessary. The new buildings are proposed within the previously disturbed footprint of the existing buildings. Additionally, the Winery's operational needs require the new production buildings to be located where the existing buildings are located. Due to the production nature of the two new buildings, it is important for them to be located as proposed which is near the barrel storage, and caves. Furthermore, the proposed location of the buildings in the footprint of the existing buildings would have the least environmental impact on the property. Meeting the required 600 foot setback requirement would result in additional grading, increase impervious surface, require a new creek crossing, and new access roads for the building pads. While the applicant could meet the 300 foot setback it would require further encroachment into the 600 foot setback along Silverado Trail, as well as result in additional grading, increase impervious surface, increased visibility along Silverado Trail, and removal of two heritage Oak trees.

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." Approval of the variance would preserve existing agricultural uses and place the Winery's production building in a more suitable location. Additionally, the intention behind the 600 foot setback was for aesthetic reasons and not safety or public health concerns. In this instance, the location of the two production buildings in the existing footprint would meet the intent of the setback, if not the language, as the buildings are visually screened from Silverado Trail by existing mature vegetation. In contrast, placing these buildings outside the 600 foot setback would increase the buildings visibility to northbound traffic on Silverado Trail.

Given the above mentioned reasons for the requested Variance, the location of the buildings in the footprint of the existing buildings would have the least environmental impact on the property. Additionally, the granting of this variance would not confer a special privilege as the subject parcel contains a unique combination of existing development and regulatory constraints, namely vineyards and creeks that limit the opportunity to construct outside the 600 foot setback. There is nothing included in the variance proposal that would result in a measurable impact on the public health, safety, or welfare of the County of Napa. The new winery production buildings would be subject to County Codes and regulations including but not limited to California building codes, Fire Department requirements, and water and wastewater requirements. The granting of the variance to the winery road setback will not adversely affect the health or safety of persons residing or working in the neighborhood of the property. Conditions are recommended which will incorporate these comments into the project to assure protection of public health and safety, as well as a condition of approval to maintain existing mature vegetation located along Silverado Trail.

3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Staff Comment: This is the most difficult finding for the Planning Commission to make. The site already contains a large winery complex, which in itself represents a substantial property right. Replacement of two of the existing buildings with new, somewhat larger buildings is potentially an expansion of property rights. It can be argued that expansion is not necessary to preserve the substantial property rights that already exist. However, at the time the WDO was adopted, inclusive of its 10 acre minimum lot size and 600 ft. and 300 ft. setbacks, it was anticipated

existing wineries with substandard conditions could expand. It has been the County's practice to recognize the changing business needs of wineries and to allow reasonable expansions of those facilities. Staff believe the currently proposed major modification is a reasonable expansion and the replacement buildings, although larger than the existing buildings, convey the equivalent property rights to that which presently exists in terms of the extent of facilities located within required setbacks. In other words, the new buildings will occupy essentially the same property right that existed on this site prior to the enactment of the setback requirements.

The WDO provides that existing buildings within required setbacks can be expanded without a variance contingent upon the expansion not encroaching further into required setbacks. In this case, a variance is triggered because these are replacement buildings as opposed to additions. In the event a variance is not granted, the property owner may still be able to proceed with a project by retaining some elements of the existing buildings and then retrofitting remaining elements in concert with additions. This represents a significant design constraint. A retrofit with substantial additions would result in substantially larger structures than what is proposed with greater overall changes to the site in terms of grading and vegetation removal. In this regard, grant of the variance appears superior to a project design that avoids a variance request.

The large winery setbacks prescribed by the WDO are intended to lessen the visual appearance of wineries from public roads. This serves several purposes, but mostly to ensure that wineries "convey a permanence and attractiveness" (General Plan Policy Agricultural Preservation and Land Use-10) wherein wineries are first and foremost agricultural processing facilities as opposed to commercial centers designed to attract customers off of public roads. This project is in keeping with this overarching policy. The new buildings, although larger than the existing buildings, will effectively be screened from view by the existing visitation surrounding the property. Consequently, the new building is not considered to substantially change the degree of visibility of the winery from setback roads over that which exists today, and this does not materially change the existing substantial property rights currently enjoyed by the owner.

4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Staff Comment: There is nothing included in the variance proposal that would result in a measurable impact on the public health, safety, or welfare of the County of Napa. Construction of the new winery would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance to the winery road setback will not adversely affect the health or safety of persons residing or working in the neighborhood of the property. There have been no adverse impacts to public health, safety or welfare from the existing pre-1990 buildings. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure protection of public health, safety, and welfare.

5) Findings 5, 6 and 7 pertain to groundwater use, and the applicable finding depends on whether the project is located in a groundwater deficient area (#5), outside of a groundwater deficient area (#6), or connecting to a public water supply (#7). In this case finding #6 applies with operative language as follows: "...substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin..."

Staff Comment: As set forth in the attached initial study hydrologic section and water availability analysis, the project does not have a significant impact on groundwater resources and this finding can be met.

Visitation and Marketing - Please note that staff has attached a Winery Comparison Chart to this report for informational purposes. Stag's Leap Wine Cellars falls on the high end of the spectrum for visitation, marketing, and employees relative to other wineries with similar winery production. The proposed changes in Marketing would



result in a slight decrease from 7,500 in the number of guests annually to a total of 7,225.

The 2004 Use Permit Modification shifted the 731 square foot hospitality area in an existing production building to the newly constructed hospitality center which opened late 2014. As part of that approval, Stag's Leap preserved their pre-WDO public tastings by limiting their hospitality area to 731 square foot. There are no changes proposed to the existing maximum visitation of 300 persons per day or an average of 100 persons per day (or 36,500 per year) and therefore this issue is not before the Commission. Furthermore, this winery participated in a previous winery audit and was found to be compliant with their approvals with respect to production and visitation/marketing activities.

Traffic & Parking – The project does not request an increase in the approved number of employees, or daily visitors. In addition, the location of driveways on Silverado Trail will not change since the approval of the Winery included a condition to construct the left turn lane into the new main winery driveway as part of the 2004 Use Permit Modification which was completed in 2014. The older winery driveway now functions as a service entrance only.

The project description indicates an increase of 13 spaces in the parking lot, which will be sufficient to accommodate employees and visitors on a daily basis. There is additional space on the parcel to accommodate parking for the newly proposed larger marketing events four times per year for up to 250 persons. The newly proposed modifications to the marketing plan will decrease the number of guests to the winery, however the change in traffic as a result would not be discernible along Silverado Trail.

Groundwater Availability – The project does not propose any change in the approved production capacity, number of employees, or daily visitation. There are proposed increases in the marketing plan. The project is located on the valley floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year. The Allowable Water Allotment for the subject property is 27.4 acre-feet per year (af/yr), determined by multiplying its 27.4 acre Agricultural Preserve zoned portion of the site by a one af/yr/acre fair share water use factor. The project site could also have additional water allotment if the applicant were to calculate the groundwater availability of the 12.82 acre portion of their site zoned Agricultural Watershed. However, since the project uses significantly less than the water allotment allowed by the 27.4 acre AP zoned portion of the site, the applicant has chosen not to utilize the additional AW water allotment portion of groundwater availability for the site.

A Water Availability Analysis was prepared for the project by Summit Engineering, Inc.. The threshold for this valley floor parcel is 27.4 af/yr, which is calculated by applying a rate of 1.0 af/yr multiplied by the acreage of the site's valley floor portion of the site. As noted above, the findings of the Napa Valley Groundwater Monitoring Plan confirmed that the 1.0 af/yr valley floor threshold has proven to be a sustainable limit for groundwater resources. The report indicates the total water demand on the parcel from the existing winery and associated improvements is 8.63 af/year. As a result of the proposed project, there will be a minor decrease in water use from the proposed marketing events to 8.60 af/year. The estimated water demand of 8.60 af/yr, represents a decrease of .03 af/yr over the existing condition, is well below the below the 27.4 af/yr threshold established for the parcel. Under past approvals for the Winery, the property is already subject to the County's standard condition of approval requiring well monitoring as well as the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use. This condition of approval has been updated to reflect current monitoring on all projects.

Greenhouse Gases/Climate Action Plan – The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as part of the application materials. The applicant has incorporated some measures (preservation of open space in a conservation easement, energy conserving lighting, cool roofs, habitat restoration, connection to recycled water, low-impact development, recycle 75% of all waste, and compost 75% of all waste) and will incorporate additional GHG reduction methods including:

generation of on-site renewable energy, VMT reduction plan, water efficient fixtures, water efficient landscape, compost food and garden material, planting of shade trees, site design, limit grading and tree removal, continue as a “Napa Green Winery”, continue as “Napa Green Land”, use of recycled materials, education of staff and visitors, and retention of biomass via pruning or chipping.

The proposed project has been evaluated against the BAAQMD thresholds and it was determined that the project would not exceed the 1,100 MT/yr of CO<sub>2</sub>e. GHG Emission reductions from local programs and project level actions, such as application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project specific on-site programs including those winery features noted above would combine to reduce emissions.

Grape Sourcing – The subject parcel is currently planted in 20.5 acres of vineyards, no vineyard is proposed to be removed as part of this project. The applicant has submitted certification that they will continue to employ local sources of grapes in accordance with Napa County Code for at least 120,000 gallons of production subject to the 75% rule.

### **Consistency with Standards:**

Zoning – The project is consistent with the AP (Agricultural Preserve) and AW (Agricultural Watershed) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.040) and uses in connection with a winery (refer to Napa County Code Sections 18.16.030 and 18.20.030) are permitted in the AP and AW Districts with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance and all other requirements of the Zoning Code as applicable.

Environmental Health Division - Recommends approval with standard conditions in the attached memorandum dated April 24, 2015.

Engineering Services Division – Recommends approval with standard conditions in the attached memorandum dated November 13, 2014.

Fire Department - Recommends approval with standard conditions in the attached memorandum dated November 16, 2013.

### **Decision Making Options:**

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

#### Option 1 – Approve Applicant’s Proposal

Disposition – This option would result in replacement of two production buildings, and related physical improvements. The proposed marketing program would result in 525 fewer guests annually and result in a slight decrease in overall guests to the winery.

Action Required – Follow proposed action listed in Executive Summary. If conditions of approval are to be amended (if any), specify conditions to be amended at time motion is made.

#### Option 2 – Modification of Applicant’s Proposal

Disposition – This option could result in a reduction in the proposed buildings size and/or relocation, and a further

decrease in the marketing plan.

Action Required- Follow proposed actions listed in Executive Summary and amend scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, item will need to be continued to a future date.

#### Option 3 – Alternative Modification of Applicant's Proposal

Disposition/Action Required - The Planning Commission could approve the marketing plan and proposed buildings, but require the two new production to meet the required 600 foot setback. The location of the buildings outside the required setback could result in a new creek crossing, increased grading for the building pad and access roads, and increased impervious surface. Relocation of the buildings would require a revised CEQA document to analyze the impacts from the new location and continuation of this item to a future date.

#### Option 4 – Deny Proposed Modification

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a variance and/or use permit (and modification), Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. In a similar fashion to use permit approvals, State law requires the Commission to adopt findings, based on substantial evidence, setting forth why the proposed use permit and/or variance not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence that suggests denial of the project is warranted.

Action Required – Commission would adopt a motion of intent to deny the project and remand the matter to staff for preparation of findings and return to the Commission on a specified date for adoption.

#### Continuance Option

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

### **SUPPORTING DOCUMENTS**

- A . Winery Comparison Chart
- B . Exhibit A- Findings
- C . Exhibit B- Conditions of Approval
- D . Department comments
- E . Previous Project Conditons
- F . Draft Negative Declaration
- G . Public Comments
- H . Use Permit application
- I . Variance application
- J . Water Availability Analysis
- K . Wastewater Feasibility Study
- L . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell