

**EXHIBIT A – FINDINGS
NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES
DEPARTMENT
PLANNING COMMISSION HEARING - FEBRUARY 20, 2013**

**BULLER FAMILY TRUST/ MICHELLE WHETSTONE
WHETSTONE TASTING BAR
USE PERMIT APPLICATION NO. P12-00008 UP
1075 ATLAS PEAK ROAD, NAPA
APN 039-320-008**

Environmental Required Findings:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Environmental Documents) pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and makes the following findings, that:

1. Prior to taking action on the Environmental Document and the proposed project, the Commission read and considered said Environmental Document.
2. The Environmental Document is based on independent judgment exercised by the Commission.
3. The Environmental Document was prepared and considered in accordance with the requirements of CEQA.
4. Considering the record as whole, there is no substantial evidence that the project will have a significant effect on the environment.
5. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Planning, Building and Environmental Services, 1195 Third Street, Room 210, Napa, California.

Use Permit Required Findings:

6. **The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.**

Analysis: The project is consistent with CL (Commercial Limited) zoning district regulations. Taverns or bars (as defined in Napa County Code Section 18.28.030) are permitted in the CL (Commercial Limited) District with an approved use permit. The project complies with the requirements of the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

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7. **The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.**

Analysis: The use permit application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on January 16, 2013, and copies were forwarded to property owners within 300 feet of the subject parcel.

8. **The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.**

Analysis: Granting a use permit for the wine bar as proposed and conditioned will not affect the health, safety or welfare of the County. Various County divisions, departments and agencies 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 the protection of the public health and safety.

9. **The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.**

Analysis: The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan. The project complies with the applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code).

The subject parcel is located on land designated Rural Residential on the County's adopted General Plan Land Use Map. The parcel of 6.65 acres contains an operating winery, art gallery, offices, residences, and vineyard. The Commercial Limited (CL) zoning does not conflict with the General Plan's designation as all projects on CL land may have housing as an accessory use (Napa County Code 18.28.030.M.), thereby creating compatibility with the historic uses onsite. This project is for a small wine bar and will occupy a 0.067 acre (2,924 square feet) area and will not affect the existing winery, office, residences, art gallery or vineyard. General Plan discussion of the Silverado Rural Residential area determined that additional housing needs in this area are not needed to accommodate the County's Residential Housing Needs Assessment (RHNA).

10. **The proposed use would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Napa County Code Section 13.15.070 or Section 13.15.080.**

Analysis: 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

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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 allowable threshold in the Milliken-Sarco-Tulocay (MST) area is 0.3 acre feet of water per year.

The property is located in the (MST) groundwater deficient area. New projects in the MST are required to show “no net increase” in water usage. To accommodate the bar, the applicant plans to install low flow appliances, retrofit all appliances to low flow, reduce irrigation, follow the State Water Efficient Landscape Ordinance, and may be required to sign up for the recycled water line if/when it reaches their area. All uses on the parcel will be required to follow these mitigations as well, to reduce the amount of water used to the proposed 3.57 acre feet per year. The two wells on this parcel and the one well on the adjoining property will be metered and the applicant will be required to report usage on both this parcel and the neighboring parcel to ensure compliance with the maximum allowed groundwater usage of 3.57 total acre feet per year, as stated in the Public Works Department Memorandum, thus reducing effects to less than significant. The total allowable water use for the two parcels was determined by Napa County Standards for water usage. According to the water study conducted by the applicant’s agent, the current water use equals 3.74 acre feet per year and it is clear that water use has exceeded the allowable limits. Water use on the parcels has not been regulated in the past. Mitigating for the reduction of water use on the entire parcel by metering the wells, installing low flow devices and appliances, will lead to no net increase in water use and metering the use to ensure no net increase occurs in the future, thus staying within the threshold allowances.

Exception to Road & Street Standards Findings:

The Commission has reviewed the attached described Road and Street Standards Exception request in accordance with Napa County Road and Street Standards Section 3 and makes the following findings:

- 11. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of 6” dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences and the like;**

Analysis: The applicant has proposed interior road modifications which will localize narrowing of the entrance through a historic stone pillar and reduce the width from the required 20 feet to 15 feet. The second request is to reduce the hammerhead turnaround area to be more than the 50 foot required distance from the existing building. The Engineering Division has reviewed these requests and determines that the requested exception is necessary to protect and ensure the preservation of unique features of the natural environment such as historic stone pillars and native Oak trees greater than 6” dbh.

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- 12. The Road and Street Standards Exception allows a situation that provides the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.**

Analysis: Approval of this exception, as conditioned herein, will allow emergency vehicle access and general traffic flow along the subject access drive above existing conditions while protecting the vast majority of the unique features of the natural environment near the roadway including historic stone pillars and native oak trees with a diameter greater than 6". The Project has been designed to comply with emergency access and response requirements, and has been viewed by Napa County Divisions responsible for emergency services; it will not have a negative impact on the public health, safety, or welfare.