

“A”

## Recommended Findings

Regusci Winery, Major Modification to Use Permit P16-00307  
& Request for Exception to Road and Street Standards  
Planning Commission Hearing Date, November 15, 2017

## RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – NOVEMBER 15, 2017

Regusci Winery

Major Modification to Use Permit, Application P16-00307 – MOD, and  
Request for Exception to Napa County Road and Street Standards (RSS)

5584 Silverado Trail, Napa

Assessor's Parcel No. 039-030-023

### **ENVIRONMENTAL:**

The project is subject to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) The Planning Commission has received and reviewed the Initial Study for the Use Permit Major Modification and RSS Exception request, pursuant to the provisions of CEQA, the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Initial Study, as well as any comments received thereon, prior to taking action on the Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Negative Declaration were prepared and considered in accordance with the requirements of CEQA.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment when made subject to compliance with standard conditions of approval.
5. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use compatibility plan.
6. There is no evidence, in considering the record as a whole, that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
7. The Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Room 210, Napa, California.

### **EXCEPTION TO NAPA COUNTY ROAD AND STREET STANDARDS:**

The Planning Commission has reviewed the request for an exception to the Napa County Road and Street Standards (RSS) and makes the following findings:

8. Granting the exception to allow elimination of the two-foot wide gravel shoulder along parts of the private roadway is necessary to accommodate existing limiting factors of the site, and more specifically, will afford better protection for the root systems of the mature walnut trees planted alongside the roadway. While the precise age of the trees is unknown, they are apparent on aerial photography from as early as 1948, suggesting that the trees are at least 70 years old and have survived on the site since the Regusci Period of Significance of the property (1932-1966), as that period is identified in the "Historical Assessment for the Regusci Winery, 5584 Silverado Trail, Napa, CA," prepared by PAST Consultants.
9. Granting the exception will provide the same overall practical effect of providing defensible space and safe access for the public and emergency responders. The roadside walnut trees that are the basis of the RSS exception request adjoin existing vineyard and are well over 500 feet away from any habitable structure. With elimination of the two-foot wide gravel shoulder in intermittent locations along the roadway, the roadway will still have a 20-foot wide, all-weather (asphalt) surface for the entirety of its length between the winery and Silverado Trail, allowing for two-way vehicle traffic to and from the winery. Gravel shoulders will otherwise be installed alongside the roadway before and after the row of trees, and in-between the individual specimens, so that the majority of the roadway will be improved in compliance with the requirements of the RSS.

#### **USE PERMIT:**

The Planning Commission has reviewed the Use Permit Major Modification request in accordance with the requirements of Napa County Code and makes the following findings:

10. The Planning Commission has the power to issue approval for the Use Permit Modification request under the Zoning Regulations in effect as applied to the property.

**Analysis:** The winery is located on property that spans the AP (Agricultural Preserve) and AW (Agricultural Watershed) zoning districts. Use permits for wineries and modifications to approved use permits for wineries require Planning Commission approval for properties located in both of these zoning districts (Napa County Code Sections 18.16.030, 18.20.030, 18.124.010 and 18.124.130). There is no companion action necessary for the requested Use Permit Major Modification that would require action by the Board of Supervisors.

11. The procedural requirements for a Use Permit Modification set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

**Analysis:** The application for a Major Modification to the Use Permit has been appropriately filed, and notice and public hearing requirements of County Code Sections 18.124.040.B and 18.136.040 have been met. The notice of public hearing was emailed to interested parties requesting such notice, on September 26, 2017; was published in the Napa Valley Register on September 27, 2017; and on September 28, 2017, copies of the notice were emailed to the applicant's representative and mailed via first class mail to the applicant and property owner, as well as, to owners of property located within 1,000 feet of the subject parcel. The CEQA public comment period ran from September 27 through November 14, 2017.

12. The grant of the Use Permit Modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:** The request includes a production increase, allowance for on-site consumption of wine purchased on site, expansion of the winery's existing program of tours and tastings, addition of a marketing plan to the operation of the winery, and corresponding modifications including enhancement of the wastewater treatment system on-site and additional employees and parking stalls. These changes to the physical and operational characteristics of the winery will not have an adverse effect on public health, safety or welfare.

The requested hospitality program will permit and correct existing noncompliant winery operations, while facilitating potential future growth of employment and hospitality services in a compliant manner. The majority of the new marketing events proposed consist of food and wine pairings for four days each week, for small groups of no more than 12 people. At this size, these marketing events will generate nominal if any off-site noise and transportation network impacts. The larger events proposed will range from 50 to 200 guests but will be much less frequent, occurring no more than 16 times per year. Even these larger sized events are not anticipated to generate significant off-site noise impacts due to the approximately 2,000-foot distance between the winery buildings and the nearest off-site residence. Additionally, the applicant has proposed to avoid scheduling marketing events to start or end during peak traffic hours, and to suspend tours and tastings on any day when a 150-person or larger event occurs during daytime hours, so as not to compound traffic impacts with the winery's expanded hospitality program. All events shall also be subject to standard conditions of approval that prohibit outdoor amplified sound.

Additional wastewater treatment capacity needed to accommodate the increase in visitation, employment and production can be provided on-site with minor grading and without need for tree removal. Existing landscaping or silo walls, and the winery's substantial setback from Silverado Trail, will serve to minimize public right-of-way visual impacts of newly installed water and wastewater tanks. Groundwater recharge would continue to exceed the estimated extraction associated with the use permit modification request, and the winery operator has proposed to increase the facility's current use of reclaimed water for vineyard irrigation, so that the requested Use Permit Modification will not result in significant depletion of groundwater resources.

Various County divisions and departments have also reviewed the project and commented regarding wastewater treatment system permitting, food service, and ensuring accessibility around the property. Conditions are identified that will incorporate these comments, along with other project-specific and standard County conditions pertaining to noise, water monitoring, light and glare, into the project approval to protect the public health, safety, and welfare.

13. The proposed Use Permit Modification complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

### **Analysis: Compliance with the Zoning Ordinance**

The property that is the subject of this application is located in the AP and AW Districts, where wineries with accessory uses are conditionally permitted. The proposed project is compliant with minimum building setbacks applicable to wineries.

The proposed project is compliant with minimum winery building setbacks from property lines and from Silverado Trail, as well as, maximum accessory to production ratio and maximum winery lot coverage requirements specified in Napa County Code. In compliance with County Code Section 18.104.220, which allows the winery to cover up to 15 acres of the 162.6-acre parcel, the winery as expanded will cover fewer than four acres on-site. In compliance with County Code Section 18.104.200, which establishes the maximum allowable area for accessory uses at 40 percent of the area used for winemaking, the building area specified for winery accessory uses associated with the requested permit modification is 38 percent of the indoor and outdoor areas dedicated to wine production.

### **Analysis: Consistency with the General Plan**

As proposed and as conditioned, the requested Use Permit Major Modification is consistent with the overall goals and objectives of the General Plan (2008).

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.” General Plan Goal AG/LU-3 states that the County should “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” The continued use of the property for fermenting and processing of grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). General Plan Policy AG/LU-2 recognizes wineries as agricultural uses of land, and includes in the definition of agriculture “related marketing, sales and other accessory uses.” Water demand generated by the winery’s modified operational characteristics will be in line with General Plan Goal CON-11, which supports prioritization of groundwater for agricultural purposes.

The General Plan land use designations of the subject parcel are Agricultural Resource (AR) and Agriculture, Watershed and Open Space (AWOS). For both of these land use designations, the General Plan identifies agriculture and agriculturally-oriented development as the predominant land use. The agricultural development currently on the property (vineyard, vineyard management, and winery), as well as the existing single-family dwellings to be retained on-site and the addition of accessory hospitality and marketing programs to the operation of the winery, are consistent with the general uses identified in the General Plan as being compatible with the specific land use designations (Policies AG/LU-20 and AG/LU-21).

Recognition of the expansion of winery facilities to the historic Grigsby winery buildings will permit reuse of the historic structures in a manner that is consistent with their original use, without significant exterior modification that would degrade the historic value of the 19<sup>th</sup>

century structures, in line with the intents of General Plan Community Character Policies CC-18 and CC-19. Granting of the RSS exception also facilitates preservation of mature walnut trees along the private access road between Silverado Trail; aerial photo evidence suggests that these trees are associated with the historic Regusci Period of Significance, and the efforts to preserve their health is also consistent with General Plan Policy CC-22.

14. The proposed Use Permit Modification would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an 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 Sections 13.15.070 or 13.15.080 of the County Code.

**Analysis:** The property is not located in any groundwater deficient area defined by County Code Title 13, Map 13-1, and the County is not aware of nor has it received any data with regard to groundwater deficiencies that would impact the property.

Currently permitted groundwater demands of the winery are estimated at 0.9 acre-feet per year; groundwater demands of the project are estimated to increase to 2.3 acre-feet per year. Existing, permitted residential, vineyard and vineyard management activities on-site are not within the scope of the use permit; with an estimated groundwater demand of 16.1 acre-feet of water per year, these uses were nonetheless included in the water availability analysis (WAA) submitted with the Use Permit Major Modification application, to provide a complete description of groundwater demands of the property as a whole. The WAA concluded that water demands of the project plus permitted uses would not have significant effects on groundwater. Compared to the 19 acre-feet of groundwater recharge estimated to have occurred during the two driest years of the past century, the estimated 18.4 acre-feet of water needs of the property (which includes existing residential, vineyard and vineyard management uses not within the scope of this Use Permit Major Modification) would still be less than estimated recharge. The proposed recycled water storage pond will have capacity to store another acre-foot of recycled process wastewater, and with installation of the Lyve system, would also help to facilitate reduction of current vineyard irrigation water use and to off-set the increase of water demanded for the requested increase in wine production.

**Applicable Napa County General Plan Goals and Policies:**

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Policy AG/LU-2: “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Policy AG/LU-20: The following standards shall apply to lands designated as Agricultural Resources on the Land Use Map of this General Plan.

**Intent:** To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

**General Uses:** Agriculture, processing of agricultural products, single-family dwellings.

Policy AG/LU-21: The following standards shall apply to lands designated as Agricultural Resource on the Land Use Map of this General Plan.

**Intent:** To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

**General Uses:** Agriculture, processing of agricultural products, single-family dwellings.

- Policy CC-18: Significant historical resources are buildings, structures, districts, and cultural landscapes that are designated Napa County Landmarks or listed in or eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources. Owner consent is a prerequisite for designation as a County Landmark.
- Policy CC-19: The County supports the identification and preservation of resources from the County’s historic and prehistoric periods.
- Policy CC-22: The County supports efforts to recognize and perpetuate historic vineyard uses and should consider ways to provide formal recognition of “heritage” landscapes, trees, and other landscape features with owner consent.
- Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.