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Recommended Findings

**PLANNING COMMISSION HEARING – DECEMBER 4, 2019
RECOMMENDED FINDINGS**

**Mathew Bruno Wines Tasting Room, Use Permit Application No. P17-00387-UP and
Request for Exception to Napa County Road and Street Standards
1151 Rutherford Road, Napa, California
Assessor's Parcel No. 030-160-007**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Commission has read and considered the Negative Declaration and Initial Study, as well as any comments received thereon, prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Commission.
3. The Negative Declaration and Initial Study 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 project will have a significant effect on the environment when made subject to compliance with Napa County standard conditions of development approval.
5. 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 the habitat on which that wildlife depends.
6. 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 adopted airport land use plan.
7. The Secretary of the Commission is the custodian of the records of proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

USE PERMIT:

The Commission has reviewed the Use Permit request in accordance with the requirements of Napa County Code Section 18.124.070 and makes the following findings:

8. The Commission has the power to issue the Use Permit under the Zoning Regulations in effect as applied to the property.

Analysis: The proposed project site is located in the CL (Commercial Limited) District. Wine bars in the CL District are limited to 100 seats and require Planning Commission approval of a conditional use permit (Napa County Code Section 18.28.030). Based on a ratio of 15 square

feet per seat in the approximately 700 square foot tasting room spaces, the proposed wine bar could accommodate up to 45 seats and could serve no more than 56 guests per day due to wastewater treatment system constraints on the 0.38-acre property. There is no companion action necessary for the requested Use Permit that would require action by the Board of Supervisors.

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

Analysis: The application for a Use Permit has been appropriately filed, and notice and public hearing requirements of Napa County Code Section 18.136.040 and CEQA Guidelines Section 15072 have been met. On or prior to November 4, 2019, notice of public hearing and intent to adopt a negative declaration were published in the Napa Valley Register; posted with the Napa County Clerk and delivered to the State Clearinghouse for distribution to State agencies; mailed via first class mail to owners of property within 1,000 feet of the subject parcel; and mailed via first class mail or electronic mail to the applicant, property owner, the owner's/applicant's representative, and other interested parties who had previously requested such notice.

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

Analysis: The proposed project will utilize an existing developed property, including renovation of an existing 19th century structure in the County and rehabilitation of the structure in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties. The project will include removal of existing trees on and adjacent to the site, including a mature camphor tree that, based on an arborist's report, is in poor health and presents potential structural threat to the historic residence; an equivalent number of new trees will be planted on the property to replace those trees identified to be removed.

Potable water to the property is and will continue to be provided by the City of St. Helena. Existing wastewater treatment infrastructure on-site will be replaced with a newer engineered system, including a new leachfield and an identified reserve area around the southeastern corner of the building; landscaping and/or signage in these primary and reserve leachfield areas should be installed to preclude foot traffic and assemblages of people that could result in compaction of soils, reducing the functionality of the leachfields. Off-site, modifications will include widening of the paved surface of Grape Lane for the 150-foot length of the property, in accordance with Napa County RSS and the intent of the RSS to provide adequate road width for emergency vehicles for that stretch of road that will also be utilized by customer vehicles.

The location of the property proximate to other food/beverage service and lodging businesses will facilitate pedestrian movement to and from the site, potentially reducing visitor vehicle trips and related automobile emissions. As part of the RSS exception request pertaining to the left turn lane on Rutherford Road, the applicant has proposed to stripe a pedestrian crosswalk with flashing beacon within the width of the existing right-of-way to enhance pedestrian safety. Though not proposed with the project, installation of sidewalk where there is currently a gap at the property frontage will further enhance pedestrian movement and accessibility to and from the site and surrounding properties.

Various County divisions and departments have also reviewed the project and provided recommendations pertaining to the proposed project. Recommended conditions will incorporate these comments, along with other project-specific and standard County conditions pertaining to

noise, air quality and light and glare, into the project approval to assure the protection of the public health, safety, and welfare.

11. 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: Compliance with the Zoning Ordinance

The proposed use for a wine bar with a seating capacity of up to 45 seats and up to 56 visitors per day is consistent with the regulations of the CL District in which the property is located. Wine bars within no more than 100 seats are conditionally permitted uses of land in the CL District (Napa County Code Section 18.28.030). There are no minimum setbacks in the CL District with which the project and proposed porch additions must comply, and with no part of the building exceeding 28 feet above grade, the existing structure is within the 35-foot maximum height of structures in the CL District. Based on the combination of square footage in the administrative office, wine storage and tasting and ware washing areas of the bar, the proposed project will need at least seven off-street automobile parking spaces and racks for at least two bicycles (Napa County Code Sections 18.110.030 and 18.110.040); proposed site modifications include installation of seven parking stalls and a bicycle rack, consistent with code requirements. While Napa County Code does not prescribe sign standards for single-tenant, non-winery uses, the proposed eight square foot, freestanding business identification sign is consistent with the standards for winery signage, which allows freestanding signs to be as tall as six feet above grade and to have an area of up to 30 square feet (Napa County Code Section 18.116.060.C).

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit 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.” By providing an avenue for tasting, promotion and retail sales of wine, the proposed use of the property for a wine bar supports the economic viability of winemaking as an agricultural activity in the County, consistent with Goals AG/LU-1 and AG/LU-3, as well as, Economic Development Policy E-1. The proposed project is also consistent with Policy AG/LU-45, which supports establishment of commercial uses on properties that are designated in the General Plan as Agricultural Resource but that have a commercial zoning classification.

The request to establish a wine bar in an existing building that is potentially eligible for listing on a historic register, is consistent with Community Character Goal CC-5 encouraging reuse of historic structures in the County. Water demand generated by the proposed use would be in line with General Plan Conservation Goal CON-11 supporting prioritization of groundwater for agricultural purposes, as the commercial, non-agricultural use of the property is and will continue to be served by municipal water from the City of St. Helena rather than a groundwater from a well. Additionally, as noted in the Greenhouse Gas Best Management Practices Checklist attached to the Use Permit application, the renovation of the existing structure is proposed to include installation of an electric vehicle charging station, EnergySTAR roof, and

energy-efficient lighting and water-efficient plumbing fixtures. These construction details comply with current building code and are consistent with adopted General Plan Conservation Element Policy CON-67 encouraging the County and permittees to utilize “green building” design principles as a means to reduce greenhouse gas emissions from energy and water treatment demands.

12. The proposed use 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 within any water-deficient basin of the County as defined in Napa County Code Chapter 13.15, map 13-1, and will not rely on groundwater for potable water. Water to the property is provided from the City of St. Helena. The City has confirmed in an August 31, 2017, letter that it will continue to provide water service to the proposed wine bar use requested under this permit application. As noted in the City’s letter, water demands of the proposed wine bar will be less than the water demands of the existing office use and the previous residential use of the property, and water use is anticipated to be further reduced with the planned installation of water-efficient plumbing fixtures (required by Building Code) associated with the renovation of the building.

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.
- 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-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.
- Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for uses allowed by this General Plan, for the natural environment, and for future generations.
- 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.
- Policy CON-53 The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.
- Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.