

“F”

## Staff Report of August 5, 2020



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/5/2020

Agenda Placement: 7A

## Napa County Planning Commission Board Agenda Letter

---

**TO:** Napa County Planning Commission  
**FROM:** Brian Bordona for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Wyntress Balcher, Planner II - 707 299-1351  
**SUBJECT:** Rombauer Vineyards Major Modification #P19-00103-MOD

---

### **RECOMMENDATION**

#### **KORNER ROMBAUER TRUST / ROMBAUER VINEYARDS / MAJOR MODIFICATION #P19-00103-MOD & EXCEPTION TO COUNTY ROAD AND STREET STANDARDS**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Noise. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval of a Major Modification to an existing 450,000-gallon per year winery to allow the following: **A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:** 1) recognition of 48 full-time and 22 part-time/seasonal existing employees (currently authorized for 25 full-time employees and nine part-time/seasonal employees); and 2) recognition of 79 parking spaces (currently authorized for 74 spaces). **B. EXPANSION BEYOND EXISTING ENTITLEMENTS:** 1) increase the number of full time employees from 25 to 55 and increase the number of part-time/seasonal employees from nine (9) to 26; 2) revise the locations of the existing on-site wine consumption to add an existing picnic area on an adjacent parcel (APN: 021-410-024) and a new ADA-accessible picnic area adjacent to the tasting room parking lot in accordance with Business and Professions Code Sections 23390 and 23396.5; 3) construct an arbor at the entrance to the garden path to the new picnic area; 4) amend the existing Marketing Plan; 5) convert a conference room in the existing administration building into a small private tasting area; convert a portion of an existing restroom to office space in the production building; and temporarily use space within an area approved to construct a tasting room for a staff break room; 6) add an existing 260 ft<sup>2</sup> shed on an adjacent parcel (APN 021-410-025) for grounds maintenance equipment storage; 7) allow outdoor amplified music on the crush pad, tasting room parking area, and the parking area near a cave entrance during five (5) marketing events; 8) add an existing road for a service area of the administration building; 9) construct four (4) new parking spaces for a total of 83 spaces; 10) construct deceleration/acceleration lane improvements to the Silverado Trail access entrance; and 11) revise Major Modification Permit #P10-00038 - COA#5 to correct the

percentage of production that is subject to the 75% rule (120,000 gallons). There are no proposed changes to the Winery's production, daily visitation, or hours of operation. The project also includes a request for an exception to the Road and Street Standards to avoid the removal of existing mature trees to construct the required current road width increase. The project is located at 3522 N. Silverado Trail, St. Helena - APN:021-410-025 (winery - ±31.85 acres) and APN:021-410-024 (Residence - ± 5.15 acres) Zoning and General Plan Designation: Agricultural Preserve (AP) and Agricultural Resource (AR).

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the Exception to the Napa County Roads & Street Standards and Major Modification, as conditioned.

**Staff Contact:** Wynstress Balcher (707) 299-1351, [wynstress.balcher@countyofnapa.org](mailto:wynstress.balcher@countyofnapa.org)

**Applicant Contact:** Lynn Sletto, 3522 Silverado Trail, St. Helena, CA, 94574, (707) 963-6629; [lynns@rombauer.com](mailto:lynns@rombauer.com)

## **EXECUTIVE SUMMARY**

### **That the Planning Commission:**

1. Adopt the Mitigated Negative Declaration and MMRP, based on recommended Findings 1-7 in Attachment A;
2. Approve an Exception to the County Road and Street Standards (RSS) based on Findings 8-9 of Attachment A and subject to the recommended conditions of approval in Attachment B; and
3. Approve Major Modification No. P19-00103-MOD based on recommended Findings 10-14 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

### **Discussion:**

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. The proposal is to modify an existing 450,000 gallon/year winery permit to recognize existing employees and parking spaces which were not approved under prior entitlements including Major Modification #P10-00039-MOD for the subject site in 2012. The project also requests an expansion to add additional employees and parking spaces, convert or add hospitality and production space at the winery, modify the existing marketing program, construct a deceleration/acceleration lane at the project's entrance, clarify the 75% grape sourcing condition of approval, and allow for use of outdoor amplified music. An Exception to the County Road and Street Standards (RSS) is also being requested to meet the inside radius to the curves of the existing driveway in order to avoid the removal of mature trees and grading on steep slopes.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing entitlements and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Major Modification Application requests recognition of 36 existing employees (23 full-time, 13 part-time) and the existing five (5) parking spaces. Although not initially permitted under prior entitlements including Major Modification #P10-00039-MOD, these activities are already occurring at the subject site. The intensification being requested beyond, an increase of 11 additional employees (seven (7) full-time, four (4) part-time) and four (4) parking spaces, would not be a substantial increase because of the existing VMT incentives, and there is an existing left turn lane on Silverado Trail. The applicant proposes an additional traffic control measure with the construction of acceleration/deceleration lane at the Silverado Trail entrance to enhance vehicular safety when exiting the winery property.

Per Resolution No. 2018-164, the subject application was submitted prior to the submittal deadline of March 29, 2019 and was found to be substantially conforming with the Resolution's deadlines. Accordingly, the County used the existing operations as the environmental baseline for the CEQA analysis related to this application. The change in the marketing program will result in an increase of 1410 "marketing guests" per year, however, the winery maintains the approved maximum 400 visitors per day, with the closing of the winery for visitation and for any other events on the days of the largest event (maximum 350 guests). The proposed lunch/dinner guest increase (40 to a maximum of 60) will be held in conjunction with the authorized daily tours/tastings and Food and Wine Pairings to avoid exceeding the 400 visitors/day maximum. The applicant has already implemented the following GHG reduction methods at the winery: generation of on-site renewable energy; use of energy conserving lighting; offer of financial bicycle incentives for bicycling to work, with two on-site showers; existing water efficient fixtures; limitation to the amount of grading and tree removal; use of 70-80% cover crop; and retain and continue biomass removed via pruning and thinning by chipping material and reusing it rather than burning on-site. As part of this project, the applicant intends to become a Certified Green Business or certified as a "Napa Green Winery".

This proposal has been analyzed for its environmental impacts, which were found to be less than significant, provided the noise mitigation measure is implemented. Staff believes there is adequate rationale to support approving the winery's request to increase the number of employees, additional parking in overflow parking area; additional storage; visitation/marketing program changes, additional AB 2004 areas; outdoor amplified music; grape sourcing 75% rule correction; internal building remodeling; access road improvements; and an exception to the RSS for the following reasons: 1) distance of the existing winery from the State Highway and other residential properties; 2) sufficient water and wastewater supply; 3) proposed levels of daily visitation will not be increased; 4) no vineyard removal; and, 5) compliance with all Winery Definition Ordinance (WDO) and Zoning Code regulations.

Based upon the reasons stated above, staff recommends approval of the project (components to remedy existing violations and the requested expansions beyond the existing entitlements), subject to the recommended conditions of approval.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

### **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Noise. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Owner:** Sheana and K.R. Rombauer, Korner Rombauer Trust; 3522 Silverado Trail N., St. Helena

**Applicant:** Rombauer Vineyards, Inc.; 3522 Silverado Trail N.; St. Helena; (707)963-5170; lynn@rombauer.com

**Representative:** Lynn Sletto, 3522 Silverado Trail, St. Helena; (707)963-6629; lynn@rombauer.com

**Zoning District:** Agricultural Preserve (AP)

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

**Filed:** March 23, 2019; **Resubmittal:** July 23, 2019, January 29, 2020; **Complete:** May 22, 2020

**Parcel Size:** ±31.85 acres (APN: 021-410-025 - winery) / ±5.15 acres (APN: 021-410-024 - residence)

**Existing Development:** The project site has been developed with the ±44,740 ft<sup>2</sup> main wine production building, 8,930 ft<sup>2</sup> administration building, 26,340 ft<sup>2</sup> caves with four portals; other winery related improvements. A single family residence is located on APN: 021-410-24, where a portion of the land will be conveyed to the winery parcel to add the shed and picnic area. It should be noted that Lot Line adjustment #W19-00157 was filed on April 26, 2019, and a Rescind and Replacement of the AG contract on the property was filed on June 11, 2020 to facilitate the transfer of land to the winery property (shed and picnic area)

**Vineyard Acreage (Existing):** ±5.4 acres

**Vineyard Acreage (Proposed):** ±5.4 acres

**Winery Characteristics:**

**Winery Size (Approved/Existing):** ±53,670 ft<sup>2</sup> and 26,340 ft<sup>2</sup> cave

**Winery Size (Proposed):** No proposed change

**Production Capacity (Approved/Existing):** 450,000 gallons/year

**Production Capacity (Proposed):** No proposed change

**Development Area (Approved/Existing):** 131,752 ft<sup>2</sup>

**Development Area (Proposed):** 136,971 ft<sup>2</sup> (added from access road improvements)

**Winery Coverage (Approved/Existing):** ±117,745 ft<sup>2</sup>, 2.7 acres or 8%

**Winery Coverage (Proposed):** ±118,005 ft<sup>2</sup>, 2.7 acres or 8.5%

(Maximum 25% or 15 acres)

**Accessory/Production Ratio (Approved/Existing):** 12,503 ft<sup>2</sup>/68,827 ft<sup>2</sup>=17%

**Accessory/Production Ratio (Proposed):** 12,603 ft<sup>2</sup>/68,827 ft<sup>2</sup>=18%

(Maximum 40% allowed)

**Number of Employees (Approved):** 34 (25 full-time; 9 part-time/seasonal)

**Number of Employees (Existing):** 70 (48 full-time; 22 part-time/seasonal)

**Number of Employees (Proposed):** 81 (55 full-time; 26 part-time/seasonal)

**Visitation (Approved):** 400/day with a maximum 2800/week; Consists of private tours and tastings and Food and Wine Pairings at 10/day for a maximum of 8 guests per pairing (or 80 total guests)

**Visitation (Existing):** No proposed change

**Visitation (Proposed):** No proposed change

**Marketing Program (Existing):**

1. Wine Club Release event: 1/year at 300 guests maximum

2. Wine Auction Events: 1/year at 40 guests maximum

3. Barrel Tasting Event: 1/year at 40 guests maximum
  4. Lunches or Dinners Event: 4/month at 40 guests maximum
  5. Wine Club Events: 4/year at 250 guests maximum; occurs between 4:00 pm and 7:00 pm
- Total: 55 Events; 3300 Guests

To minimize impact on wastewater system, the following restrictions are in effect:

- a. Wine Club Release date and Wine Club Events do not occur simultaneously nor are they held the same day as the Barrel Tastings, Auction Related Events, Lunch/Dinner Events, or tours and tastings.
- b. Portable toilets are required for all Marketing Events.
- c. The food and wine pairing visitors are included in the current maximum 400 daily private tours and tasting visitors.
- d. Auction related events, Lunch or Dinner events, and Barrel Tastings do not occur simultaneously, but individually can be held in conjunction with the tours and tasting and Food and Wine Pairings and such event participants shall be included in the current maximum 400 daily private tours and tastings visitors.

**Marketing Program (Proposed):**

1. Marketing Events: 5/year at 350 guests maximum
  2. Barrel Tastings: 1/year at 40 guests maximum
  3. Auction Related Events: 1/year at 40 guests maximum
  4. Lunch or Dinner Events: 4/month at 60 guests per event maximum
- Total: 55 Events; 4710 Guests

To minimize impact on wastewater system, the following restrictions are in effect:

- a. The Marketing Events do not occur simultaneously nor are they held the same day as the Barrel Tastings, Auction Related Events, Lunch/Dinner Events, or tours and tastings.
- b. Portable toilets are required for all Marketing Events.
- c. The food and wine pairing visitors are included in the current maximum 400 daily private tours and tastings visitors.
- d. Auction related events, Lunch or Dinner events, and Barrel Tastings do not occur simultaneously, but individually can be held in conjunction with the tours and tasting and Food and Wine Pairings and such event participants shall be included in the current maximum 400 daily private tours and tastings visitors.
- e. Private tours and tastings, food and wine pairings are held between 10:00 am - 5:00 pm; other marketing events occur between 10:00 am - 10:00 pm

**Days and Hours of Operation (Approved/Existing):** Winery office: Monday-Friday 8:00 am – 5:00 pm; Retail sales, Tours & Tasting: 10:00 am – 6:00 pm seven days per week; Production hours 6:00 am – midnight, 7 days/week

**Days and Hours of Operation (Proposed):** No proposed change

**Parking (Existing):** 74 spaces

**Parking (Existing):** 79 spaces

**Parking (Proposed):** 83 spaces

The increased parking will be an expansion of the existing overflow parking area.

**Setbacks (Required):** 600 feet

**Setbacks (Existing):** 420 feet

**Setbacks (Proposed):** No proposed change

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

North: Agricultural Resource (AR)/Agricultural Preserve (AP)/ agriculture/residential/vacant

South: AR /AP /agriculture, winery (Nuestra Winery), residential

West: AR /AP /agriculture, residential, vacant lands

East: AR and Agriculture, Watershed and Open Space (AWOS)/ AW/agriculture, wineries (Hunnicut Winery, Chateau Boswell, Ehman Jordan Winery), residential

**Nearby Wineries Located within one mile of the project:**

Please refer to Attachment J - Summary of Project Changes.

**Parcel History:**

*#U-338182*: Approved by the Planning Commission on May 19, 1982, to establish a 48,000 gal/yr, 3 story, 23,750 ft<sup>2</sup> winery, with no public tours or tastings, "No public tours or tastings" sign with minimum 12 parking spaces.

*#U-188384*: Approved by the Planning Commission on October 19, 1983, to increase production capacity of the existing winery from 48,000 gallons to 120,000 gallons; to allow the employment of 5 people; to extend the hours of operation to 8:00 AM to 5:00 PM, no tours or public tastings.

*#96010-MOD*: Approved by the Board of Supervisors on November 24, 1998, to expand the winery in one phase to: 1) increase annual production from 120,000 to 450,000 gallons; 2) utilize 26,340 ft<sup>2</sup> of new cave from bulk wine storage only; 3) construct a 3,200 ft<sup>2</sup> for covered production area; 4) construct 19,680 ft<sup>2</sup> roof over existing outdoor and new production area including covering the crushing, processing and storage operation areas involving the construction of a 110-ft retaining wall; 5) construct a 1,980 ft<sup>2</sup> winery addition for office, lab and work area; 6) increase employees from 5 to 18; 7) add 16 parking spaces; 8) install new fermentation and storage tanks; 9) install new pressurized leach field system for wastewater; and, 10) realign entry road. Existing Marketing events: 1/yr, 300 guests; 1/yr, 40 guests; 1/yr, 40 guests; 4/month lunches or dinners, max 40 guests; invitation only.

*#P06-01108-VMM*: Administratively approved on August 10, 2006, for an additional roof cover and recognize the existing roof cover configuration and all the temporary use of the modular offices for a maximum three years.

*#P10-00039-MOD / #P10-00038-VAR*: Approved by the Planning Commission on May 2, 2012, the use permit modification and variance request to allow: 1) construction of new ±8,740ft<sup>2</sup> administration building (main floor with basement for office, lab and work areas, including kitchen for employee use only) within 600 ft. winery setback; 2) temporary conversion of the existing barrel storage space (1,889ft<sup>2</sup>) located in the main winery building; 3) increase parking from two to four and increase the number of parking spaces from a total twenty-six to seventy-four; 4) increase FT employees from eighteen to twenty-five; add four additional PT interns for a total of nine PT employees, 5) extend days of operation to seven day per week (originally M-F). hours operation during harvest (from 6:00am to midnight); 6) revise the existing Tours and Tasting Plan (Max 400/Day, 2,800/wk) to include ten, 8-person food and wine paring, within the existing maximum 400 person/day limit; 7) revise existing Marketing Plan (1/year, max 300; 1/yr, 40 guests; 1/yr, 40 guests; 4/month, max 40 guests to include four, 250-peron wine club events/year; 8) expand tasting room 2,500 ft<sup>2</sup> and allow seasonal tasting in the unenclosed patio area (700 ft<sup>2</sup>); 9) allow marketing events to occur in the existing caves; 10) designate on-premise wine consumption areas including AB2004; include 350 ft<sup>2</sup> plating area in the expanded tasting room to be used for winery staff to plate tasting items to be used in food and wine parings; extend hours for retail sales, tours and tastings to conclude at 6 PM ( originally authorized from 8AM-5 PM; and, 11) installation of gated access approx. 620 ft. from winery entrance off Silverado Trail. An Exception to the Napa County Road and Street Standards for road modifications to allow the construction of an interior road modification for localized narrowing of the existing upper driveway and to reduce inside radius of curvature over a short section of roadway.

*#P11-00172-VMM*: Administratively approved on June 13, 201, to allow the installation of a 150,000 gallon water tank for fire protection.

*#P13-00393-VMM*: Administratively approved on January 28, 2014, for an extension of time for Use Permit P10-

00039-MOD.

*#P14-00360-VMM*: Administratively approved on December 5, 2014, for an extension of time for Variance #P10-00038.

*#P15-00433-VMM*: Administratively approved on March 8, 2016, for an extension of time and approved the installation of a 150 ft<sup>2</sup> concrete pad for a refrigeration unit.

*#P16-00209-VMM*: Administratively approved on August 26, 2016, to allow conversion of small storage area in basement level of administration for use as business meeting room, open office and wine library tasting space; designate 1300 ft<sup>2</sup> basement deck area for "by appointment only" tastings and on-premises consumption of wines (plans dated May 19, 2016).

*#P17-00079-VMM*: Administratively approved on July 17, 2017, to allow the installation of 198 ft<sup>2</sup> building for the storage of chemicals and equipment used by winemaking team.

### **Code Compliance History:**

The application was filed as a participant in the County's Voluntary Compliance Program. A Life Safety Inspection was conducted at the winery on April 17, 2019. Staff has been diligently working with the winery in addressing any remaining outstanding issues and follow up inspections. An inspection was completed on June 16, 2020, and the winery is in compliance with life and safety issues previously identified with the exception of a mechanical building permit recently issued and currently under construction which met the requirements for life safety, accessibility, structural and electrical codes requirements.

### **Discussion Points:**

Setting – The existing Rombauer Vineyards winery operations are situated ±420 feet west, on the top of a tree covered knoll, predominantly an oak woodland/coniferous forest, westward to the base of a knoll on the southwest side of the property, stretching northwest across a saddle to a forested knoll. The surrounding area is defined by a mix of vineyard, wineries, and residential uses situated within the Glass Mountain area of the Napa Valley. The project site has been developed with the ±44,815 ft<sup>2</sup> main wine production building, 8,933 ft<sup>2</sup> administration building, 26,340 ft<sup>2</sup> of caves with four portals, and other winery related improvements. An existing access road serving the parcel takes direct access from Silverado Trail. The Rombauer Vineyards Winery, associated winery accessory structures, and vineyard occupies 31.85 acres (APN# 021-410-025). A single family residence (winery owner) at the very top of the knoll occupies 5.15 acres (APN# 021-410-024), and a portion of the parcel is included in this application to transfer a portion of the land to the winery property. Lot line adjustment W19-00157 was filed on April 26, 2019, and a Rescind and Replacement of the AG contract on the property was filed on June 11, 2020 to facilitate the transfer of land to the winery property. The knoll is subdivided into four parcels totaling 43.74 acres. The remaining parcels (APN# 021-410-021 and APN# 021-410-022) associated with the winery, are not a part of the project, and are occupied by residences, the water tank, and existing access roads.

Winery Proposal - Approval of a Major Modification to an existing 450,000-gallon per year winery to allow the following: A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS: 1) recognition of 48 full-time and 22 part-time/seasonal existing employees (currently authorized for 25 full-time employees and nine part-time/seasonal employees); and 2) recognition of 79 parking spaces (currently authorized for 74 spaces). B. EXPANSION BEYOND EXISTING ENTITLEMENTS: 1) increase the number of full time employees from 25 to 55 and increase the number of part-time/seasonal employees from nine (9) to 26; 2) revise the locations of the existing on-site wine consumption to add an existing picnic area on an adjacent parcel (APN: 021-410-024) and new ADA-accessible picnic area adjacent to the tasting room parking lot in accordance with Business and Professions Code Sections 23390 and 23396.5; 3) construct an arbor at the entrance to the garden path to the



new picnic area; 4) amend the existing Marketing Plan to combine two annual events for five with a maximum of 350 guests, and increase the four (4) per month event from a maximum 40 to 60 guests; 5) convert a conference room in the existing administration building into a small private tasting area; convert a portion of an existing restroom to office space in the production building; and temporarily use space within an area approved to construct a tasting room for a staff break room; 6) add an existing 260 ft<sup>2</sup> shed on an adjacent parcel for grounds maintenance equipment storage; 7) allow outdoor amplified music on the crush pad, tasting room parking area, and the parking area near a cave entrance during five (5) marketing events; 8) add an existing road for a service area of the administration building; 9) construct four (4) new parking spaces for a total of 83 spaces; 10) construct deceleration/acceleration lane improvements to the Silverado Trail access entrance; and 11) revise Major Modification Permit #P10-00038 - COA#5 to correct the percentage of production that is subject to the 75% rule (120,000 gallons). There are no proposed changes to the Winery's production, daily visitation, or hours of operation. The project also includes an exception to the Road and Street Standards to avoid the removal of existing mature trees to construct the required current road width increase.

Tours & Tasting/Marketing Events - The winery is approved for 400 daily private tours and tastings. No increase in daily visitation is proposed. The change to the marketing program will not result in any increase in the number of approved marketing events (55), but will result in an increase of 1,410 marketing guests per year. The winery, however, maintains the maximum 400 visitors per day. The winery will close during the "Marketing Event" (350 guests) and, the proposed "Lunch or Dinner" Event guest increase (40 to maximum 60 guests) will be held in conjunction with the tours/tastings and "Food and Wine Pairings" visitors, to avoid exceeding the 400 visitors/day maximum. The total number of approved visitation is 400/day, a total of 2,800 persons/week, and a total annual visitation of 145,600. This amount is greater than similar wineries, however, this visitation total is as approved and no change in the total number of annual tours and tasting visitors is proposed. (See Attachment J - Summary of Project Changes)

Noise - The applicant requests approval to remove the last sentence in Use Permit P10-00039-UP COA #13(A) because this pre-WDO winery did not previously have this condition placed on any prior use permit or modification. COA #13(A) states the following: *"A. NOISE - Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings."* It should be noted application of the condition was not in error by staff. This condition was applied to the winery in 2012 because the applicant had requested changes that revised the winery's hours of operation for tours and tastings and marketing, extended daily operation from five to seven days and expanded the location of tastings to include an outdoor area. Therefore, at the time it was appropriate to apply this condition.

The winery is located on a hillside and the outdoor areas where amplified music would be played are more than 600 feet from the Silverado Trail, the closest residence not owned by the winery is located more than 800 feet below the forested knoll. The winery requests approval to use outdoor speakers located on the deck off the tasting room. In addition, Winery requests approval to use a band for music at its marketing events. The band locations are proposed to be situated on the crush pad, the tasting room parking area, and the parking area located near a cave entrance. An "Outdoor Music Sound Study for Rombauer Vineyards" was prepared by Harold S. Goldberg, PE (dated July 16, 2019). The study utilized a live band in its measurements at three proposed locations: the parking lot area just west of the Rombauer winery building (S-1); the parking lot nearest the wine cave and northwest of the winery building (S-2); and, on the east side of the winery building (S-3). Measurement taken with noise monitors set up at/near the potentially affected residences nearby were conducted. The report found that the tasting room

outdoor speakers were not audible and not measurable at any of the residential measurement locations, and, in other words, sounds from the tasting room speakers were well below the existing ambient noise levels and meet the noise ordinance limits. The band music was clearly audible at location R-1 (the winery owner residence). However, at location R-2 (another residence on adjacent winery property), the noise from traffic dominated the measurements. At location R-3 (a residence on property not owned by the winery), the traffic noise from traffic also dominated the measurements and the band music was just barely inaudible from the S-1 and S-3 locations and inaudible when the band was at the S-2 location.

The report concluded that the proposed five (5) outdoor music events would meet the Napa County Noise Ordinance limits at locations R-2 and R-3 for all three band locations, and for location R-1 for band location S-3. However, the music sounds from S-1 and S-2, exceeded the noise ordinance limits at the winery owner's residence. To mitigate the noise impact, the report established a sound thresholds for location S-1 and S-2, measured at a distance of 25 feet from the band, monitored by the sound engineer and adjusted to maintain the established threshold at the event. The noise impacts from amplified music would be limited to the winery and the owner's residence, and would not impact adjacent residences. Given these results, staff is recommending approval of the use of amplified music for the five Marketing Events only as requested and removal of Use Permit Modification #P10-00039-UP COA #13 to be replaced with new conditions of approval (Refer to recommended COAs 1.2(h), 1.2(i), 4.3(a)(4), 4.20(a), and 4.20(a)).

Traffic & Parking - The winery has exceeded the number of approved 34 employees (25 full-time, nine (9) part-time) and has also exceeded the total approved 74 parking spaces. The applicant is requesting recognition of 36 existing employees (23 full-time, 13 part-time) and the existing five (5) parking spaces. Furthermore, the Applicant is requesting an increase of seven (7) full-time and four (4) part-time/seasonal employees for a total of 11 and another four (4) parking spaces for a total of 83 spaces. Eleven of the part-time/seasonal employees will reside in homes on adjacent parcels owned by the winery, and will commute to work foot on the winery access roads. No increase in daily visitation is proposed. Although the Marketing Program changes will result in an increase of 1410 annual marketing guest, the winery will maintain the 400 maximum visitors to the winery per day, closing the winery during the 350 guest "Marketing Event", and, the proposed increase of the "Lunch or Dinner" Event guests (40 to maximum 60 guests) will be held in conjunction with the tours/tastings and "Food and Wine Pairings" visitors, and will not exceed the maximum 400 visitors. Based upon the Winery Traffic information/Trip generation document submitted with the project, the project will generate an increase of the existing daily weekday trips of 19 trips (Friday, non-harvest season) and will generate an increase of the existing daily weekend trips of 11 trips (Saturday, on-harvest season). The document was reviewed by the Department of Public Works, who indicate that the net trip increase is not significant enough beyond the established threshold to trigger a new traffic impact study report. If, however, the winery exceeds 76 (Non-harvest)/94 (Harvest) trips during the Friday PM hour and 90 (non-harvest)/95 (harvest) on Saturday during the PM Peak hour, the modification application request will be subject to additional transportation review. The project site is served by an existing left turn lane, and the project proposes the construction of acceleration/deceleration lanes on Silverado Trail to improve the entrance access into the property. There is adequate parking available to serve the 400 visitors/day, but during the large "Marketing Event" where guests will be arriving around the same time, the winery uses valet parking to coordinate vehicles in the large paved area and crush pad area located between the winery building and Administration building.

Greenhouse Gas Emissions - 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 Attachment E. As discussed above, the applicant has already implemented the following GHG reduction methods at the existing winery: continued generation of on-site renewable energy; continued use of energy conserving lighting; continue offer of financial bicycle incentives for bicycling to work with two on-site showers; existing water efficient fixtures; limitation to the amount of grading and tree removal; intend to become a Certified Green Business or certified as a "Napa Green Winery"; continue use of 70-80% cover crop; and continue to retain and continue biomass removed via pruning and

thinning by chipping material and reusing it rather than burning on-site. In addition, the seasonal part-time employees are provided with housing on associated winery parcels enabling the employees to walk to work on the on-site access roads.

Groundwater Availability - A "Water Availability Analysis for the Rombauer Vineyards Winery, 3522 Silverado Trail, Napa County, CA APN: 021-410-025" was prepared by Bartelt Engineering, (March 2019). The report states that project is located in the Agricultural Preserve (AP) zoning district and per the Water Availability Analysis (WAA) - Guidance Document dated May 12, 2015, the water use criteria for a parcel located on the Napa Valley Floor and/or All Other Areas that are not designated as a groundwater deficient area without any well or spring interference must follow Tier 1 requirements. In general, the acceptable water use screening criterion for parcels located on the Napa Valley Floor is 1 acre-foot per acre of land per year (an acre-foot of water is the amount of water it takes to cover one acre of land to a depth of one foot, or 325,851 gallons). Therefore, the 31.85-acre parcel and 5.15 acre parcel (total 37 acres) will meet this criterion if the projected groundwater use would not exceed 37 acre-feet per year. According to the Tier 1 water analysis, the existing groundwater use is 18.37 acre-feet/year (af/yr), specifically: winery process - 9.68 af/yr; domestic and landscaping - 2.25 af/yr; vineyard irrigation - 2.70 af/yr; frost protection - 1.35 af/yr; heat protection - 1.35 af/yr; commercial - 0.29 af/yr; and residence - 0.75 af/yr. The proposed winery project increase of total employees places the new demand for the parcel at 18.77 af/yr, specifically: winery process - 9.68 af/yr; domestic and landscaping, 2.25; af/yr; vineyard irrigation - 2.70 af/yr; frost protection - 1.35 af/yr; heat protection - 1.35 af/yr; commercial - 0.69af/yr; and residential - 0.75 af/yr. The anticipated total overall water demand for the project would be 18.77 af/yr representing a 0.4 af/yr increase over the existing water demand. The winery, as part of its entitlement would include the County's standard condition of approval (COA 4.9 - Attachment B) requiring well monitoring, as well as, the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use.

Wastewater - Wastewater disposal would be accommodated on-site and in compliance with State and County regulations. The Onsite Wastewater Dispersal Feasibility Study prepared by Bartelt Engineering for the project (March 2019) states that sanitary wastewater generated from the existing winery and hospitality building is anticipated to increase as a result of the proposed changes to the staff and marketing plan. All food served out of the tasting room "plating area" for special marketing events will be catered by an offsite company that will provide clean plates, utensils, etc. for dining and remove all dirty dishes, utensils, etc. for offsite cleaning. The small plates used for the daily food and wine pairings and wine glasses will be washed after each event using the tasting room glass dishwasher. The project proposes to install a new subsurface drip dispersal field and pretreatment system to accommodate the increase in sanitary wastewater flows. The study demonstrated that all sanitary wastewater generated from the proposed increase in the number of employees and guests can feasibly be treated and dispersed onsite. No significant impact from the dispersal field would significantly impact the groundwater. According to the Wastewater Disposal Feasibility Report prepared by RSA on July 6, 2018, the project site and proposed system, including system repairs, has adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings, subject to recommended conditions.

Grape Sourcing - There is no change in the production capacity proposed by this project. The winery is a pre WDO winery, approved by use permit #U-338182 May 19, 1982. The winery production capacity was increase by Use Permit #U-188384 in October 19, 1983 to 120,000 gallons/year. The increase in production capacity from 120,000 to 450,000 gallons/year was approved by the Board of Supervisors on November 24, 1998 (Major Modification #96010-MOD) requiring the 330,000 gallon increase to be subject to the 75% Rule. The applicant noted that Major Modification #P10-0039-MOD, Condition of Approval # 5; is incorrect and the 120,000 gallons of the winery's grapes are not subject to the 75% rule (approved prior to the WDO) and has asked for this condition to be corrected. Staff is in agreement with this request and has provided a new condition of approval correcting this error. It should be noted that Rombauer Vineyards owns several properties in the Carneros area, Atlas Peak area, St. Helena, and Calistoga area, and is able to comply with Napa County produced grape sourcing requirement.

Road and Street Standards (RSS) Exception - The project includes an exception request (submitted December 11,

2019) to the commercial driveway design criteria of the Road and Street Standards (RSS). The existing internal access driveway has sections where the maximum centerline slope exceeds 16% and the road is flanked by steep uphill and downhill slopes that exceed 30%, and several mature native trees. To reduce the centerline slope in these areas would require grading on slopes that exceed 30% and the removal of native oak trees that vary in diameter from 6 inches to 24 inches diameter breast height. A reduction to the inside radius of curvature for a horizontal curve is also requested and at the station where the reduced horizontal inside radius is where surrounding areas include steep slopes. The applicant has provided a 30-foot wide road section throughout the turn and modeled a Fire Apparatus navigating the turn. The RSS requires a commercial driveway to have a 20-foot wide road with 22 feet of unobstructed horizontal clearance. The existing internal roadways generally vary in width from 12 feet to 22 feet or greater. These existing roadways are bound by the steep slopes and mature trees. The applicant is proposing to widen all internal access roads to the maximum extent practical and to provide vegetation management to help with sight distance along the entire road way. The RSS provides an exception to the Standards with an intent to serve as an alternate method by which adherence to the Standards may be achieved at the same time the County assures compliance with its goal to ensure the preservation of the unique features of the natural environment. There are constraints from existing topographical features, steep slopes, and setback from the natural water course as allowed by the RSS Section 3, (d)i and (d)ii, and the exceptions are requested serve to minimize the hillside grading and any removal of mature native oak trees. Engineering Division staff has reviewed the exception and discussed the request with the Napa County Fire Department. Engineering staff has made the following determination: the exception request has provided the necessary documentation as required by RSS Section 3; has been submitted in connection with the Major Modification application, has received the appropriate environmental review from the Planning Division; and subject to be considered by the Planning Commission along with the Major Modification permit. Further, the exception request will minimize earthwork on steep slopes and removal of mature native trees in order to preserve the existing environmental features and are justified based upon existing topographic conditions of the site. As requested, the applicant is proposing to widen the travel lane to maximum extent practical over the entire length of the roadway; and the implementation of the improvements proposed would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment, and protecting the life, safety and welfare of the public.

Public Comments - No public comments have been received.

#### **Decision Making Options Regarding Remediating Existing Violations:**

Staff recommends approval of the components of the project necessary to remedy the existing violation with conditions of approval as described in Option 1 below.

#### Option 1: Approve Applicant's Proposal (Staff recommended option).

Disposition - This action would result in approval of 36 existing employees (23 full-time, 13 part-time) currently working at the winery; and would recognize the existing additional five (5) parking spaces beyond the approved 74 spaces approved by Major Modification P10-00039-MOD. Staff's analysis of this increase would result in no significant impacts associated with water and wastewater since the winery has already accommodated this increase.

Action Required- Follow the proposed action listed in the Summary section of this staff report.

#### Option 2: Prohibit or Reduce Requested Modifications.

Disposition - This option would result in a reduction in the number of existing employees and require removal of existing parking spaces. Such reduction could result in inefficiencies at the winery with respect to winery operations, and require the removal of the constructed parking spaces.

Action Required: Follow proposed actions listed in the Executive Summary and amend scope and project-specific conditions of approval to reduce the scope of the project. This option would have not have proportionately fewer environmental impacts as compared to those discussed in the Initial Study/Mitigated Negative Declaration, since the removal of the additional parking on sloped areas. The item would need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3: Deny the Applicant's Proposal.

Disposition – This action would result in the winery reverting back to the originally approved operations and improvements authorized in Major Modification Permit #P10-00039-MOD; thereby all improvements made to the winery outside of the entitlement scope would have to be removed and reconstructed back to this approval. Employee levels would be reduced to 25 full-time and five part-time employees/four part-time interns

Action Required - In the event that the Commission determines that the proposed Major Modification does not or cannot meet the required findings for grant of a Major Modification, Commissioners must articulate the basis of the conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

Option 4: Continuance Option.

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

**Decision-making Options Regarding Expansions Beyond Existing Entitlements:**

Staff recommends approval of Option 1.

Option 1: Approve Applicant's Proposal (Staff recommended option).

Disposition - This option would result in approval of an additional number of employees; the revision to marketing plan; the designation of existing approved and new AB 2004 on-premise wine consumption areas; construct an arbor; allowing accessory use designation changes to existing accessory use areas within the winery production and administration buildings; the construction of additional parking spaces; a revision of the condition of approval regarding the 75% rule; add an existing grounds maintenance storage building; allow amplified music for five marketing events as mitigated and permit amplified music in the outdoor speakers located on the deck off the tasting room; improvements to a temporary construction road for a permanent service road; improvements to the driveway entrance; improvements to the waste disposal system; and an exception to the RSS.

Action Required - Follow the proposed action listed in the Summary section of this staff report. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This proposal has been analyzed for its environmental impacts, which were found to be less than significant, provided the noise mitigation measure is implemented. Staff believes there is adequate rationale to support approving the winery's requests the following reasons: 1) distance of the existing winery from the State Highway and other residential properties; 2) sufficient water supply; 3) proposed levels of visitation and marketing activities will not be significantly increased; 4) no vineyard removal; and, 5) compliance with all Winery Definition Ordinance (WDO) and Zoning Code regulations. Based on the reasons stated above, staff recommends approval of the project and the Exception to the RSS, subject to the recommended conditions of approval.

Option 2: Modify the Applicant's Proposal to Allow Fewer Employees, Less Parking and/or a Reduced Marketing Program Alternative.

Disposition - This option could result in a potential decrease in the proposed number of employees, parking spaces and/or marketing guests and proposed entertainment.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project-specific conditions of approval to reduce the number of employees, parking spaces and/or marketing guests to a specific maximum and/or remove the use of outdoor amplified music. This option would have proportionately fewer impacts as compared to those discussed in the Initial Study/Mitigated Negative Declaration, and thus, no new analysis beyond that of the Mitigated Negative Declaration would be necessary. The item would need to be continued to a future date if significant revisions to the recommended conditions of approval or desired.

Option 3: Deny the Applicant's Proposal.

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Major Modification and an Exception to the RSS, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Major Modification and RSS Exception is not being approved.

Action Required - In the event that the Commission determines that the proposed Major Modification and RSS Exception does not or cannot meet the required findings for granting project approval, Commissioners must articulate the basis of the conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

Continuance Option.

The Commission may continue the item to a future hearing date, at its discretion.

**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval & Final Agency Approval Memos
- C . Previous Project Conditions
- D . Initial Study/Mitigated Negative Declaration
- E . Use Permit Application Packet
- F . Exception to County Road & Street Standards
- G . Water Availability Analysis
- H . Wastewater Feasibility Study
- I . Noise Study
- J . Winery Comparison Analysis & Summary of Changes
- K . Graphics
- L . Item 7A Public Comment (Added after initial agenda posting)
- M . Item 7A Additional Public Comment (Added after initial agenda posting)
- N . Item 7A Additional Public Comment (Added after meeting)

- O . 7A Additional Public Comments (Added after meeting)
- P . 7A Memo (Added after meeting)
- Q . Item 7A Memo (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona