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Recommended Findings

RECOMMENDED FINDINGS

**PLANNING COMMISSION HEARING – FEBRUARY 1, 2017
Raymond – Ticen Ranch Winery
Major Modification to Use Permit, Application P15-00307 – MOD
849 Zinfandel Lane and 1584 St. Helena Highway, St. Helena
Assessor’s Parcel Nos. (APNs) 030-270-013 and 030-270-012**

ENVIRONMENTAL:

The requested Use Permit to establish a winery 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 request, pursuant to the provisions of the CEQA 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 Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Mitigated Negative Declaration were prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment; provided, that measures to mitigate potentially significant impacts to biological and tribal cultural resources are incorporated into the project 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 plan.
6. 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 WINERY SETBACK FOR HISTORICAL BUILDINGS:

The Planning Commission has reviewed the use permit modification request in accordance with the requirements of Napa County Code and makes the following findings:

7. The proposed site contains historic buildings, structures or landscapes which are either listed on or eligible for listing on the California or National Historic Register, and the proposed project will retain and incorporate subject eligible or listed buildings, structures or landscapes into the final project design.

Analysis: The requested modification includes establishment of winery accessory spaces (administrative offices and tasting rooms) inside of converted space of the currently vacant Ticen Ranch residence at 1584 St. Helena Highway/State Rout 29. The residential structure is setback approximately 333 feet from the centerline of State Route 29, within the 600-foot minimum setback required for winery structures but outside of the 300-foot minimum setback allowed for existing, historic structures in accordance with County Code Section 18.104.235. The residential structure was built in the late 1800's, and an evaluation by the applicant's architect determined that the main residence is historically significant due to "its association with Napa Valley's early wine industry and as a good example of a Folk Victorian residence in a rural setting" (ARG, 21). While not listed on a local, state or federal historic register, the age and architectural significance of the Ticen Ranch house indicate that the residence is eligible for listing on a register as a historic resource. The proposed project includes restoration, re-purposing and maintenance of the residential structure in place on the property.

8. The proposed winery or structure will be located within an existing footprint or developed or disturbed portion of the site such that the final project will be within the historical context and scale of the site.

Analysis: The appearance of the Ticen Ranch parcel, as seen from State Route 29, would not change significantly as a result of the proposed project, as the residential structure would be maintained in place and its historic features would be restored as a component of the project. Small, above-grade landscaping enhancements, consisting of installation of a trellis and gazebo on the property, would either be behind or alongside the existing main residence and would have no greater visual impact on the public right-of-way than the existing main residence does. At-grade improvements proposed include a garden area and an 11-stall parking lot and also would be installed immediately adjacent to the single-family residence.

9. The proposed winery or structure is part of an overall historic preservation plan for the site which includes the preservation and enhancement of historical buildings and structures and old growth landscape including, but not limited to, old vines and mature trees and certification that the project is in conformance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation Projects (Standards). Retention of these elements shall be made a condition of the approved permit.

Analysis: As part of the conversion of the Ticen Ranch residential structure to winery accessory space, the permittee's plans reflect removal of alterations built outside of the structure's period of significance and re-introduction of architectural features that mimic the building's original characteristics, consistent with the intent of the Standards. A mature oak tree behind (east of) the residence would also be kept with the proposed site modifications. Other structures on the property, consisting of a barn and a detached garage with apartment residence, are not historic, and their physical characteristics indicate that they were constructed well after the original residential building. The garage and apartment are proposed to be demolished, and while the barn is not historic, it is proposed to be retained and renovated to provide agricultural experience area for winery guests. The barn is outside of the 600-foot minimum setback from the centerline of State Route 29.

10. The proposed winery or structure shall not be located closer to a state highway, Silverado Trail, any arterial county road, or any other public or private road used by the public than any existing historic structures or buildings on the site.

Analysis: The Ticen Ranch residence is the most visually prominent feature on the property as seen from the right-of-way of State Route 29. The proposed winery accessory space would be established inside converted area within the residential building. No new structures are proposed to be built in the setback area between the residential building and the highway right-of-way.

USE PERMIT:

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

Analysis: The winery is located on property located in the AP (Agricultural Preserve) District. Wineries in the AP District require Planning Commission approval of a conditional use permit (Napa County Code Section 18.16.030 and 18.124.010). There is no companion action necessary for the requested Use Permit that would require action by the Board of Supervisors.

12. 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 Major Modification to the 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. The notice of public hearing and intent to adopt a Mitigated Negative Declaration were published in the Napa Valley Register and posted with the Napa County Clerk on December 16, 2016; and on or prior to December 16, 2016, copies of the notice were mailed via first class mail to owners of property within 1,000 feet of the subject parcel and via first class mail or electronic mail to the applicant, property owner, his representative, and other interested parties who had previously requested such notice. The public comment period ran from December 16, 2016, through January 17, 2017, with a six-day extension approved by the Planning Commission in response to a request from an interested party. With the Commission-approved extension, County staff accepted written public comments on the Mitigated Negative Declaration until January 23, 2017.

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

Analysis: Implementation of the proposed project is estimated to increase the winery's groundwater demands by less than one acre-foot of water per year. The proposal also includes installation of a left-turn lane on Zinfandel Lane at Wheeler Lane, which will provide sheltered left-turn vehicle movements into and out of the access road to the proposed winery site. Other site improvements include enhancements to the existing wastewater treatment system, as well as installation of stormwater bioretention basins intended to preserve the quality of stormwater runoff from the developed winery area of the site. In accordance with standard conditions of approval, new driveways and access roads to the winery will be designed in accordance with California Department of Transportation standards and Napa County Road and Street Standards to ensure that emergency responders will be capable of maneuvering around the property when responding to calls for service.

Various County divisions and departments have also reviewed the project and commented regarding stormwater quality preservation and food service matters related to the proposed project. Conditions are identified that will incorporate these comments, along with other project-specific and standard County conditions pertaining to construction, noise, air quality and light and glare, into the project approval to assure the protection of the public health, safety, and welfare.

14. 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 property that is the subject of this application is located in the AP District, where wineries with accessory uses are conditionally permitted. The proposed project is compliant with minimum winery building setbacks for historic and non-historic structures, as well as maximum winery lot coverage and maximum accessory to production ratio requirements specified in Napa County Code. With no portion of any structure on either parcel exceeding a height of 34 feet above grade, and with winery coverage of fewer than 11 acres of the combined 85.6 acres on the Raymond and Ticen Ranch parcels, the proposed site modifications comply with the 35-foot maximum building height and maximum 25 percent lot coverage standards of the AP District as prescribed in County Code Sections 18.104.010, 18.104.120 and 18.104.220. Side and rear yard setbacks of existing structures and proposed additions also meet or exceed the 20-foot minimum required under County Code Section 18.104.010. With the exception of the Ticen Ranch residence, which can be permitted to encroach up to 300 feet into the minimum 600-foot winery building setback from State Route 29 due to the structure's age and architectural significance, all existing and proposed winery and accessory use buildings would be over 600 feet away from the centerline of the State Route 29 right-of-way and over 300 feet away from the centerline of the Zinfandel Lane right-of-way. In compliance with County Code Section 18.104.200, which establishes a maximum allowable area for accessory uses at 40 percent of the area used for winemaking, the accessory use square footage associated with the requested permit modification is 32 percent of the proposed building and covered crush pad areas dedicated to wine production.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit is generally 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.

The General Plan land use designation for the subject parcel is Agricultural Resource. The intent of this land use designation is to “identify areas of the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use.” The agricultural development currently on the property (vineyard and winery), as well as the existing single-family dwelling to be retained on the Raymond parcel, are consistent with the general uses identified in the General Plan as being compatible with the Agricultural Resource designation. The proposed winery, as an establishment engaged in the processing of agricultural products, is also consistent with the intent of the designation (Policy AG/LU-21).

Water demand generated by the modified winery facilities and operational characteristics will be in line with General Plan goals supporting sustainable water use and prioritization of groundwater for agricultural purposes (CON-10 and CON-11). Consistent with General Plan Policy CON-4, adopted in an effort to preserve water quality and preserve watersheds in support of the County’s agricultural goals, the proposed winery development will be outside of Napa River setbacks as defined in County Code Chapter 18.108 (Conservation Regulations).

Restoration of the Ticen Ranch residence, estimated to be over 120 years old, and removal of its non-original additions, would be consistent with General Plan Policies CC-19, CC-24 and CC-26.5, which support evaluation and preservation of resources from the County’s history. Lastly, it is noted that the existing roof-mounted photovoltaic array, installed in 2013 by the current winery owner, is consistent with adopted General Plan goals (CON-68, CON-70) that encourage the County and permittees to pursue use of renewable energy sources as a means to reduce greenhouse gas emissions.

General Plan Policy CIR-23 discourages permit applicants from providing unnecessary or excessive quantities of parking stalls for their uses; the applicant’s request for 50 additional guest parking on the Raymond Winery parcel is inconsistent with this General Plan policy. Although the proposed parking additions would not have significant environmental effects: 1) there is no increase requested in the largest marketing event currently entitled under prior actions; 2) there is no increase requested in the number of daily winery visitors; 3) tasting room visitors would be split between the tasting rooms on Raymond parcel and proposed on the Ticen Ranch property, reducing demand for parking at the existing Raymond facility; and 4) visitation hours are proposed to be extended by two and a half hours per day, so that the 400 daily visitors would be visiting the property over a larger span of time.

15. 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 located in any groundwater deficient area defined by Napa County Code Title 13, Map 13-1. Current water needs of the winery and vineyard irrigation activities are estimated at 89.9 acre-feet of water per year, accounting for all existing operations on the 60.2-acre Raymond Winery parcel, the 25.48-acre Ticen Ranch parcel, and the 27.68-acre Raymond vineyard parcel (APN 030-050-031) east of the winery. (Although no discretionary approval is requested for the 27.68-acre Raymond vineyard parcel, the well located on the parcel provides irrigation water to the Raymond Winery parcel, and so it is included in this discussion.)

The County's Water Availability Analysis Guidelines (May 2015) specifies one acre-foot of water per parcel acre per year as a sustainable water use level in non-deficient groundwater areas on the Valley floor. Water usage under the requested use permit modification is conservatively estimated at approximately 90.8 acre-feet per year for the 113.4 acres encompassed in all three parcels from which groundwater is drawn, or approximately 77.9 acre-feet per year for the approximately 86 acres of just the Raymond Winery and Ticen Ranch parcels that are encompassed in this use permit modification. These water use estimates fall within the County's identified threshold of sustainable water use and are conservative, as they do not account for any reduction in water demand as a result of the winery's reuse of process wastewater for vineyard irrigation.

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-21: The following standards shall apply to lands designated as Agricultural Resources 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 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 CIR-23: New uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site’s capacity. The concept of shared parking may be considered.

Policy CC-19 The County supports the identification and preservation of resources from the County’s historic and prehistoric periods.

Policy CC-24 Promote the County’s historic and cultural resources as a means to enhance the County’s identity as the nation’s premier wine country and a top tourist designation, recognizing that “heritage tourism” allows tourists to have an authentic experience and makes good business sense.

Policy CC-26.5 When discretionary projects involve potential historic architectural resources, the County shall require an evaluation of the eligibility of the potential resources for inclusion in the NRHP [National Register of Historic Places] and the CRHR [California Register of Historic Resources] by a qualified architectural historian. When historic architectural resources that are either listed in or determined eligible for inclusion in the NRHP or the CRHR are proposed for demolition or modification, the County shall require

an evaluation of the proposal by a qualified preservation architect to determine whether it complies with the Secretary of the Interior's Standards for Preservation Projects. In the event that the proposal is determined not to comply with the Secretary of the Interior's Standards, the preservation architect shall recommend modifications to the project design for consideration by the County and for consideration and possible implementation by the project proponent. These recommendations may include modification of the design, re-use of the structure, or avoidance of the structure.

Policy CON-4: The County recognizes that preserving watershed open space is consistent with and critical to the support of agriculture and agricultural preservation goals.

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 the 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-68: The County shall promote research and the development and use of advanced and renewable energy technology through the following actions:

- a) Use expedited permit processing nor other incentives as promotion mechanisms.
- b) Assist in securing grants to support the implementation of photovoltaic, wind and other renewable energy technologies to provide a portion of the County's energy needs.
- c) Encourage the use of renewable energy resources in residential, commercial, industrial, and agricultural projects and uses.

Policy CON-70: The County shall seek to increase the amount of energy produced through locally available energy sources, including establishing incentives for, and removing barriers to, renewable and alternative energy resources (solar, wind) where they are compatible with the maintenance and preservation of environmental quality.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].