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Agenda Date: 1/20/2016
Agenda Placement: 9C
Continued From: 12/16/2015

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: SHAVETA SHARMA, PLANNER III - 707-299-1358

SUBJECT: DAKOTA SHY WINERY USE PERMIT USE PERMIT MAJOR MODIFICATION #P14-00335 AND
VARIANCE #P14-00336

RECOMMENDATION

DAKOTA SHY WINERY-DS PROPERTIES, LLC- USE PERMIT MAJOR MODIFICATION NO. P14-00335-MOD AND VARIANCE NO. P14-00336-VAR

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the project would not have any potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval to modify an existing 1,000 gallons per year Winery Use Permit (#U298788) to allow the following: 1) increase production from 1,000 gallons per year to 14,000 gallons per year; 2) add tours and tastings by appointment only up to a maximum of 20 visitors per day and a weekly maximum of 112 visitors; 3) add Marketing events of up to two per year with a maximum of 40 guests; 4) increase the number of employees from two full-time to a maximum of 10 employees; 5) construction of a new winery building totaling 6,060 s.f., including a 397 s.f. tasting room, and a 2,370 s.f. uncovered event pad; 6) construction of a wastewater treatment system; 7) construction of an on-site detention basin to capture stormwater; 8) construction of eight additional parking spaces for a total of 14 parking spaces; 9) construction of a one way loop access driveway to the proposed winery building; 10) installation of two 10,500 gallon water tanks; 11) installation of a mechanical and fire pump house; 12) removal of an approximately 6,720 s.f. tennis court; 13) removal of an existing 1.69 acre orchard; 14) planting of 0.8 acres of vineyard; 15) conversion of the existing winery structure to winery storage; and 16) landscaping improvements. The project also includes a Variance request to encroach 503 feet into the required 600 feet setback from Silverado Trail. The project is located on a 6.0 acre parcel, within the AW (Agricultural Watershed) zoning district, on the south side of Sage Canyon Road/SR- 128, approximately a ¼ mile from its intersection with Silverado Trail; 771 Sage Canyon Road, Napa CA 94574; APN: 030-120-024.

Staff Recommendation: Adopt the Negative Declaration and approve the Variance and Use Permit Major Modification request, as conditioned.

Staff Contact: Shaveta Sharma, (707) 299-1358 or shaveta.sharma@countyofnapa.org

Applicant Contact: Donna B. Oldford, Plans4Wine; 2620 Pinot Way, St. Helena, CA 94574; (707) 963-5832; dboldford@aol.com

CONTINUED FROM THE DECEMBER 16, 2015 REGULAR MEETING

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration based on Findings 1-7 of Exhibit A;
2. Approve Variance Application (P14-00336) based upon Findings 8-14 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B); and
3. Approve Use Permit Modification (P14-00335) based on Findings 15-19 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

Discussion:

This item was continued from the December 16, 2015 meeting to address neighbor concerns and to re-evaluate the Variance request as part of the proposal.

The original winery was established on June 5, 1988, by approval of Use Permit #U-298788 for a 1,000 gallon/year winery and conversion of a portion of an existing 1,561 s.f. garage to a 551 s.f. winery building. The winery permit did not authorize tours and tastings, a marketing program, or any employees beyond the owner.

The project as it exists complies with its previous approval. The applicant seeks to expand the existing 1,000 gallons per year winery by increasing production from 1,000 gallons per year up to 14,000 gallons per year, construct a new winery building totaling 6,060 s.f., and a 2,370 s.f. uncovered event pad; add daily tours and tastings, increase the number of employees, add a marketing plan, and upgrade infrastructure to accommodate the marketing and visitation requested. The project also includes a Variance request to encroach 503 feet into the required 600 feet setback from Silverado Trail.

This proposal has been analyzed for its environmental impacts, which were found to be less than significant. Staff believes a good rationale exists for approving the winery's expansion as proposed, including the project's easy access off a State Highway, no viewshed impacts, new vineyard planting, no loss of sensitive habitat, no significant environmental impacts, and the applicant's proactive stance in addressing neighbor concerns.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would the project would not have any potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: DS Properties, LLC; 1746 Vineyard Ave, St. Helena, CA 94574; (707) 779-1220

Winery Applicant: DS Properties, LLC; 1746 Vineyard Ave, St. Helena, CA 94574; (707) 779-1220

Representative: Donna B, Oldford, Plans4Wine; 2620 Pinot Way, St. Helena, CA 94574; (707) 963-5832;
dboldford@aol.com

General Plan Designation: AWOS (Agriculture, Watershed, and Open Space)

Zoning: AW (Agricultural Watershed)

Filed: October 16, 2014 **Complete:** October 30, 2015

Winery development area:

Existing: 4,060 s.f.; 1.5%
Proposed: 38,820 s.f.; 14.8%

Winery buildings:

Existing: 551 s.f.
Proposed: 6,060 s.f.

Production Capacity:

Existing: 1,000 gallons per year
Proposed: 14,000 gallons per year

Visitation:

Existing: None
Proposed: By-appointment only tours and tasting for up to 20 persons daily and 112 persons weekly; 5,824 Annual Visitors

Number of Employees:

Existing: 2 FT
Proposed: 10 or fewer

Hours of Operation:

Existing: 10:00 AM - 6:00 PM seven days per week
Proposed: 6:00 AM - 6:00 PM seven days per week

Marketing:

Existing: None
Proposed: Two events annually with up to 40 persons maximum; 80 Annual Marketing Visitors

Parking:

Existing: 6 spaces

Proposed: 14 spaces

Parcel Size: 6.0 acres**Winery Coverage:**

Existing: 3.2% (25% allowed)

Proposed: 10.6% (25% allowed)

Accessory/Production Ratio:

Existing: 0% (40% allowed)

Proposed: 31% (40% allowed)

Setbacks:

Required: 600 feet from Silverado Trail and 600 feet from Sage Canyon Road

Proposed: 98 feet from Silverado Trail and 625 feet from Sage Canyon Road

Adjacent General Plan Designation/Zoning / Land Use:North

Agriculture Watershed, and Open Space General Plan designation

Agricultural Watershed (AW) Zoning

wineries, vineyards, rural residential uses

South

Agricultural Resource General Plan designation

Agricultural Preserve (AP) Zoning

wineries, vineyards, rural residential uses

East

Agriculture, Watershed, and Open Space General Plan designation

Agricultural Watershed (AP) Zoning

wineries, vineyards, rural residential uses

West

Agricultural Resources General Plan designation

Agricultural Preserve (AP) Zoning

wineries, vineyards, rural residential uses

Nearby Wineries (located within one mile of project):

Refer to the attached spreadsheet.

Property History:

1988 - Use Permit #-U298788 was approved by the Planning Commission to establish a new 1,000 gallon per year winery and convert a portion of an existing 1,561 s.f. garage to a 551 s.f. winery building. The original winery permit did not authorize tours and tastings, a marketing program, or any employees beyond the owner.

Code Compliance History:

Having discussed the application with Code Enforcement staff, toured the property, and compliance review of the department's files, staff is not aware of any code compliance issues on the subject parcel. Structures allowed by use permit/building permit and the winery are in compliance at this time.

Discussion Points

Setting - The 6.0 acre parcel is located on the south side of Sage Canyon Road/SR- 128, approximately a ¼ mile from its intersection with Silverado Trail and zoned Agricultural Watershed. The property is described as 7.93 acres in size, per current County Assessor records, however a recent survey commissioned by the applicant found that the actual size is 6.0 acres. Approximately 1.69 of the 6.0 acre site is planted in orchard. The parcel has a relatively flat surface with slopes ranging from zero to 5%. The location to be developed with the winery building, event pad, detention basin, and wastewater treatment system averages less than two percent slope. The parcel is entirely developed with structures, a pool, and landscaping improvements. An eight foot tall wall atop a berm ranging from eight to twelve feet is built along Silverado Trail with extensive pine, oak, and cedar trees and vegetation. The surrounding land uses include vineyards, wineries (Sloan Winery, Rutherford Hill Winery, Round Hill Cellars, Conn Creek Winery, Mumm Napa Valley, ZD Wines, Caymus Vineyards, Honig Cellars, Frogs Leap Winery, Martin Estate, Kathryn Hall Winery, Snowden Vineyards, Quintessa Winery, Lieff Winery), and residential development on large parcels, the nearest of which is approximately 600 feet from the proposed winery. No creeks or surface water features are present on the property.

Winery Proposal and Evolution of this Project – The existing parcel consists of an existing 1,000 gallons per year winery with a 551 s.f winery building approved in 1988, a primary residence of 2,560 s.f., a 1,090 s.f. guest house, a 1,020 s.f. pool house, a garage, pool, tennis court, a fruit, walnut, and olive orchard totaling 1.69 acres, a gazebo, two wells, six parking spaces, and septic tanks. The residence and guest house are proposed to remain on-site and will be conditioned to ensure they are not used for winery commercial activities. The original winery permit did not authorize tours and tastings, marketing program, or any employees beyond the owners.

The applicant originally submitted a proposal in October 2014 that consisted of a marketing program with 53 events, with one event for up to 125 persons maximum. The applicant also proposed a commercial kitchen to offer food with the tastings, and a request for on site consumption of wines produced on-site. After receiving comments from their neighbor expressing concerns with the proposed marketing and activities proposed, the applicant chose to revise their application to reduce the number of events to two per year with a maximum of 40 guests and removed the commercial kitchen and on-site consumption as request originally proposed. This was a significant, voluntary reduction that the applicant undertook in order to be proactive in addressing concerns voiced by their neighbor, as well as to focus on the primary use of the project which is agriculture, and the wine making process.

In addition to these changes, in the lead up to the December 16, 2015 Planning Commission hearing, it was discovered that the Variance request incorrectly described the setback from Sage Canyon Road as 300 feet, instead of the required 600 foot setback. As a result only one Variance request is needed rather than two. The plans were revised to ensure that the proposed winery building would be located outside the 600 required setback. Revisions to the Variance findings and request were needed to correct this oversight. The building will be located 625 feet from Sage Canyon Road, well outside the required 600 foot setback.

The application proposes to expand the existing 1,000 gallons per year winery up to 14,000 gallons per year, construct a new winery building totaling 6,060 s.f., add a 2,370 s.f. uncovered event pad, add daily tours and tastings for up to 20 persons daily and 112 persons weekly, increase the number of employees, add a Marketing Plan for two events annually, and upgrade the infrastructure to accommodate the marketing and visitation requested. The applicant will also remove the existing orchard and replace it with 0.8 acres of vineyard. Since the vineyard is proposed on slopes of less than five percent, no Erosion Control Plan is needed for its planting.

Variance - The project also includes a Variance request to encroach 502 feet into the required 600 feet setback

from Silverado Trail. The building is beyond the 600 feet Sage Canyon Road setback, being located 625 feet from Sage Canyon Road. The 6.0 acre rectilinear parcel has dual frontage along Sage Canyon Road/SR-128 and Silverado Trail. As a result the property is subject to both a 600 foot setback along Silverado Trail and a 600 foot setback along Sage Canyon Road/SR-128. The original winery was sited prior to adoption of these setbacks in 1991. In order to expand the existing winery, there is no location on the property that would not be subject to one or the other setback requirement (see Variance exhibit). The applicant has chosen to site the project within the Silverado Trail setback so that there would be a negligible visual impact along Silverado Trail. As the setback was adopted to ensure that the aesthetics of the Valley would not change, this proposal would comply with that goal and would not create any impacts along the roadway due to an existing solid eight foot tall wall and mature pine, cedar, and oak trees existing along the property line. Placement of the building within the Sage Canyon Road setback, by contrast would be much more visible, as no fencing or extensive vegetation exists along that frontage.

To approve a variance the Planning Commission must make all five of the required findings listed below. As discussed below, Staff believes the project site meets all of the required findings and, thus, supports grant of the variance.

Required Findings pursuant to 18.128.060:

1) That the procedural requirements set forth in this chapter have been met.

Staff Comment: This requirement has been met.

2) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Comment: There is no alternative location on the site where a variance from the 600 foot setback from Silverado Trail and 600 foot setback from Sage Canyon Road would not be necessary. A portion of the site is even encumbered with overlapping setbacks from both roadways (see attached variance exhibit). This is the result of a unique dual street frontage setting with streets located on opposite sides of the property, which is the basis for staff's support of the proposed variance. Although it is relatively common for winery property to have multiple winery road setbacks, it is very unusual to have setback roads located on opposite sides of the property. Looking within a one-mile vicinity of the project site, only two other properties are similarly encumbered by two 600 foot setbacks (see attached exhibit). Only one of those properties is similar in size, at eight acres, with the other parcel being 95 acres in size.

The property was developed with a 1,000 gallon per year winery in 1988 prior to the adoption of the Winery Definition Ordinance (WDO) regulations which established the 600 ft. and 300 ft. road setbacks as well as a 10 acre minimum lot size. At 6 acres, the property would not be eligible for a new winery today. However, the WDO expressly provided that wineries that were entitled prior to the WDO (known as pre-WDO wineries) were not rendered nonconforming uses and are thus allowed to expand despite being on a substandard lot. Within this context, building additions are allowed within required setbacks without a variance provided that the new structure is attached to the original structure and is not any closer to a winery setback roadway. New, detached buildings are subject to the setback.

In this case, the applicant is requesting to replace the original winery building with a new building at the end of an existing driveway on the opposite side of the property in an area that is currently occupied by a tennis court. The proposed winery location places the winery in closer proximity to Silverado Trail thus triggering the request for a variance. This location provides a clear separation between the winery and the existing residences to differentiate those separate uses. So while the winery building would be located within the required Silverado Trail setback, there is minimal visual impact along the roadway due to an existing solid wall and extensive mature trees along

the property line. The slope of the property ranges from zero to five percent and the proposed location has a slope of two percent and has been previously disturbed which will reduce the amount of grading necessary to construct the new building.

In order to determine if the new building qualified for a variance, Staff considered whether a building addition which would not require a variance was possible. Although there is some room to add onto the existing building without getting any closer to Sage Canyon Road, the room for that addition is highly constrained from the 20 ft. side yard setback and the setback for Silverado Trail (see attached variance exhibit). This together with dual street frontage of parcel, represents a special circumstance that prevents a reasonably designed winery addition from occurring without a variance and would thus deny this property owner privileges enjoyed by other winery owners in the vicinity with properties less than 10 acres in size.

3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Staff Comment: This is the most difficult finding for the Planning Commission to make. The site already contains a single family residence and a small winery, which in themselves are substantial property rights. Replacement of that small winery with a new larger, but still small, winery is potentially an expansion of property rights. It can be argued that expansion is not necessary to preserve the substantial property rights that already exist. However, at the time the WDO was adopted, inclusive of its 10 acre minimum lot size and 600 ft. setbacks, it was anticipated existing wineries located on substandard parcels could expand. It has been the County's practice to recognize the changing business needs of small wineries and to allow reasonable expansions of those facilities. Staff believe the currently proposed major modification is a reasonable expansion. Denial of the variance would effectively prohibit not only this expansion but virtually any expansion of the existing facility. Although the County is not obligated to approve the variance since arguably substantial property rights presently exist, withholding of the variance request appears to run contrary to WDO recitals supporting expansion of pre-WDO small wineries on substandard winery properties. The resulting hardship could be substantial as the winery could never expand operations without a variance due to special circumstances.

Making this finding appears to come down to a matter of code interpretation. The large winery setbacks prescribed by the WDO are intended to lessen the visual appearance of wineries from public roads. This serves several purposes, but mostly to ensure that wineries "convey a permanence and attractiveness" (General Plan Policy Agricultural Preservation and Land Use-10) wherein wineries are first and foremost agricultural processing facilities as opposed to commercial centers designed to attract customers off of public roads. This project is in keeping with this overarching policy. The new building, although closer to Silverado Trail than the existing building, will be largely screened from view by the substantial existing visitation surrounding the property. Consequently, the new building is not considered to substantially change the degree of visibility of the winery from setback roads over that which exists today, and this does not materially change the existing substantial property rights currently enjoyed by the owner.

4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Staff Comment: There is nothing included in the variance proposal that would result in a measurable impact on the public health, safety, or welfare of the County of Napa. Construction of the new winery would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance to the winery road setback will not adversely affect the health or safety of persons residing or working in the neighborhood of the property. There have been no adverse impacts to public health, safety or welfare from the existing pre-1990 buildings. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure protection of public health, safety, and welfare.

5) Findings 5, 6 and 7 pertain to groundwater use, and the applicable finding depends on whether the project is located in a groundwater deficient area (#5), outside of a groundwater deficient area (#6), or connecting to a public water supply (#7). In this case finding #6 applies with operative language as follows: "...substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin..."

Staff Comment: As set forth in the attached initial study hydrologic section and water availability analysis, the project does not have a significant impact on groundwater resources and this finding can be met.

The original winery use permit utilized an existing building located approximately 67 feet from the centerline of Sage Canyon Road and was approved prior to the setback requirements. Because the proposed new winery building is a new stand alone structure, separate from the existing winery, it is subject to the setback requirement and approval must satisfy the variance findings. The proposed location is requested in order to have the new building be separate from the existing residential uses on the property. The distance to the existing structures will provide clear separation of uses. The winery building is proposed approximately 94 feet behind an existing solid wall and dense tree and vegetation. The structure could not be sited to meet the 600 foot setback without encroaching into the required 600 foot setback from Sage Canyon Road. Additionally, a location meeting the 600 foot setback along Silverado Trail would have greater visibility from Sage Canyon Road and be significantly more costly.

Variance alternatives: Rather than encroaching into the setback along Silverado Trail, the applicant could instead propose to encroach along Sage Canyon Road, adjacent to the existing structure. This alternative would be no less extreme, since the setback is still 600 feet, however the visibility of the winery building would be increased as there is no existing vegetation to shield the structures. Another alternative could be to construct a cut and cover cave, which would not be subject to a setback, and thus would not require a variance. As the parcel is primarily flat, this option would require significant soil to be brought to the site, thereby increasing the environmental impacts of the project above the current proposal.

Siting the building in the location proposed by the applicant would have minimal impacts on the views from Silverado Trail and would meet the intent of the WDO which was established to reduce the corridor effect of wineries along the same road.

Tours & Tasting/Marketing Events – Please note that staff has attached a Winery Comparison Chart to this report for informational purposes. It should be noted that Dakota Shy Winery is above average compared to "By Appointment Only" wineries of similar wine production in daily visitation (112 weekly maximum) and below average in marketing events per year (two). The applicant arrived at the proposed visitation and marketing as part of their business plan and meeting with neighbors. The locational and operational criteria of this proposed winery that led staff towards recommending approval of the proposed visitation: easy access off a State Highway; no view impacts, no vineyard removal, no loss of sensitive habitat, no significant environmental impacts, and addressing of neighbor concerns. Considering all of the enumerated reasons staff supports the annual above average visitation.

Building Design and Materials - The applicant has submitted architectural renderings of the proposed winery building. The design is of high quality and conveys the attractiveness and permanence required by Napa County's General Plan land use policies. The structure is a one story modern barn facade design with a maximum height of 27 feet. The building materials consist of grey wood paneling, with a grey steel roof, and concrete stem wall.

Traffic & Parking – The applicant submitted a traffic study prepared by Crane Transportation Group dated July 8, 2015 along with the application. The study was reviewed by both the Planning Division and the Public Works Department. The traffic study evaluated the trip generation from the project as it relates to short-term (Year 2020) and long-term (Year 2030) conditions, as well as cumulative impacts. The proposed project would account for 44.25 maximum daily trips, inclusive of residential uses, employees, and visitation, on a typical weekday, and 61.5

maximum daily trips on day with marketing events. The number of trips are based on County determined trip generation rates.

Silverado Trail and the intersection of Silverado Trail and Sage Canyon Road/SR- 128 currently operates at a LOS F during both weekday and weekend peak hour trips. The applicant's traffic study prepared by Crane Transportation Group, dated July 8, 2015 analyzed impacts of the winery's operations at full capacity and marketing and identified peak hours in the project vicinity as between 7:45 AM and 8:45 AM Monday through Friday and 4:15 PM to 5:15 PM Monday through Friday, Saturday and Sunday 2:15 Pm to 3:15 PM. The study concluded that the increased trips would not pose any significant impacts to either Silverado Trail or Sage Canyon Road/SR- 128 as the contribution of existing residential trips plus the project's traffic to peak trips is less than 1% to the existing traffic volume. Additionally, the study concluded that sightlines in and out of the project driveway were adequate, and that the proposed traffic would not be a hazard to bicyclists or pedestrians. The study concludes that on both a short term (Year 2020) and long term (Year 2030) horizon the project will not create significant traffic impacts. Both individually and cumulatively the contribution to traffic volumes will be less than 1%. As Silverado Trail is already at LOS F, the project's contribution to the existing and future volumes of less than 1% is considered to be less than significant.

The applicant proposes to increase the number of on-site parking spaces from six to 14. Also, the applicant will modify access on Sage Canyon Road from one driveway to add a second driveway. The two driveways will offer loop access, with the driveway further to the east providing ingress and the western driveway providing egress from the site. The existing driveway on Silverado Trail will remain intact and will be used for emergency access only.

Groundwater Availability - The project site is considered Valley Floor, per the map created by LSCE in the latest GRAC studies, as such a parcel factor of 1.0 AF/YR is applied to the site, which is 6.0 acres, leading to a fair share allotment of 6.0 AF/YR of groundwater. The project is not expected to violate any water quality standards or waste discharge requirements nor substantially deplete local groundwater supplies. The current water use for the property is 6.79 AF/YR. The 6.79 AF/YR exceeds the fair share allotment, however at the time this parcel was purchased, the site was and is still erroneously listed as being 7.8 acres according to Assessor records. Under that assumption, the previous owners were within what they believe to be the allotment for the parcel. The winery production and hospitality operation is expected to use 0.42 AF/YR. Landscaping currently utilizes 0.1 AF/YR and will increase to 0.36 AF/YR. The new vineyards will utilize 0.77 AF/YR. Overall projected water use for the winery project is 1.55 AF/YR. Existing water use for residential purposes is 1.0 AF/YR and will remain the same with the proposed project. However, this water is not provided by the well; the water is provided by the City of Napa and therefore, is not considered in the total calculations. The estimated project water demand of 1.55 AF/YR, represents a decrease of 5.2 AF/YR over the existing condition, due to removal of the orchards, and is a quarter of the 6.0 AF/YR threshold established for the parcel. The decrease stems from removal of the approximately 1.7 acres of orchard. The property will be subject to the County's standard condition of approval requiring well monitoring to ensure the allocation designated for winery and agricultural processing use does not exceed the amount indicated above.

Grape Sourcing - The property currently contains no vines, however the applicant will plant 0.80 acres of vineyard on the property as part of this proposal; while this represents only 2% of the grapes needed to meet the requested 14,000 gallons of production, the applicant has submitted numerous grape purchase agreements for staff to review to ensure they will be able to meet the minimum 75% Napa Valley grape sourcing requirement. Additionally, it is the applicant's intention to exceed the minimum 75% requirement.

Greenhouse Gases/Climate Action Plan - Project applicants must 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 incorporated the following measures into the proposal: habitat restoration or new vegetation, exceed Title 24 energy efficiency standards, solar hot water heating, energy conserving lighting, energy star roof/cool roof, bicycle incentives, water efficient fixtures, low-impact development, water efficient

landscape, recycle 75% of all waste, compost 75% of food and garden material, implement a sustainable purchasing and shipping program, planting of shade trees, a site design to optimize natural heating/cooling, and limit the amount of grading.

Public Comments - At the time this staff report was prepared staff had received eleven comments of support from the public. Staff also received a letter from Burke, Williams, and Sorensen dated November 23, 2015 asking for an extension of the 30 day CEQA review period, and a continuance of the project in order to have experts review and respond to the CEQA document and underlying studies. The request was made on behalf of Roger Walther, a neighbor of the project. As the project was continued from its original hearing date in December, additional time for environmental review of the project has occurred. To date, staff has not received additional correspondence from Burke, Williams, and Sorensen regarding further review of the project.

Consistency with Standards

Zoning - The project is consistent with the AW (Agricultural Watershed) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.20.030) are permitted in the AW District with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance and all other requirements of the Zoning Code as applicable.

Engineering Services Division - Recommends approval with standard conditions in the attached Memorandum dated June 30, 2015.

Environmental Health Division - Recommends approval with standard conditions in the attached Memorandum dated November 17, 2015.

Fire Department- Recommends approval with standard conditions in the attached Memorandum dated October 30, 2014.

Public Works Department- Recommends approval of access proposed by applicant in the attached Memorandum dated December 18, 2015.

Decision Making Options

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approvals as described in Option 1 below. Decision making options also include a reduced development alternative and no project alternative.

Option 1 – Approve Applicant's Proposal

Disposition – This option would result in the expansion of an existing winery with an increase in production, construction of a larger winery building, adding daily tours and tastings and a marketing plan, increase in the number of employees, and upgrades to infrastructure to accommodate the marketing and visitation requested.

Action Required – Follow proposed action listed in the Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant. The project as proposed meets all County Code requirements and complies with General Plan policies. There exist operational factors due the winery's location and particulars including easy access off a State Highway, no view impacts, no vineyard removal, no loss of sensitive habitat, no significant environmental impacts, sufficient water supply, and letters supporting the applicant and project which have led staff to conclude that the project merits approval as proposed.

Option 2 – Reduced Hospitality Alternative

Disposition – This option could result in a potential decrease in the proposed winery building, tours and tastings and/or the proposed marketing program. Specifically, adjustments to the visitation and the marketing program could be reduced commensurate with the average and/or median levels of visitation of comparison wineries or the visitation could be tied to increase proportionally with production levels. The applicant has committed to constructing the necessary infrastructure to accommodate the proposal.

Action Required- Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

Option 3 – Deny Proposed Modification/Variance

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification and/or variance, Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. State law requires the Commission to adopt findings, based in the General Plan and County Code, setting forth why the proposed use permit is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 4 –Continuance Option

There is a request from a neighbor asking for additional time to review and respond to the CEQA document. The Commission may continue an item to a future hearing date at its discretion.

SUPPORTING DOCUMENTS

- A . Winery Comparison Chart
- B . Exhibit A- Findings
- C . Exhibit B- Conditions of Approval
- D . Previous Project Conditions
- E . Department comments
- F . Draft Initial Study/Negative Declaration
- G . Public comments
- H . Use Permit Application
- I . Variance Application
- J . Water Availability Analysis
- K . Wastewater Feasibility Study
- L . Traffic Study
- M . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina