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Agenda Date: 1/20/2021

Agenda Placement: 7B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Jason Hade, Principal Planner - (707) 259-8757  
**SUBJECT:** Wheeler Farms Use Permit Major Modification P19-00130

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### **RECOMMENDATION**

#### **WHEELER FARMS PARTNERS, LLC / WHEELER FARMS / USE PERMIT MAJOR MODIFICATION # P19-00130 AND EXCEPTION TO THE NAPA COUNTY ROAD AND STREET STANDARDS**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. 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 Use Permit Major Modification to an existing 50,000 gallon per year winery to allow the following: **A. Components Necessary to Remedy Existing Violations:** (1) Recognition of 14 full-time and eight part-time employees. Currently authorized for two full-time and two part-time employees; (2) Recognition of the use of a loft area previously permitted for production use only for wine tasting (accessory use); and (3) Recognition of two existing marketing events per year (120 guests per event). Currently authorized for four events per month (24 guests per event) and four events per year (75 guests per event). **B. Expansion Beyond Existing Entitlements:** (1) Increase in maximum annual permitted wine production from 50,000 to 70,000 gallons; (2) Increase the number of employees from 14 full-time and eight part-time (existing conditions to be recognized via the County's Code Compliance program) to 15 full-time and eight part-time; (3) Upgrade the existing wastewater treatment system; (4) Removal of approximately 4,330 square feet of vineyard to accommodate the proposed driveway and parking; (5) Increase parking spaces from 16 spaces to 31 spaces; (6) Improvement of the existing driveway to county standards and extension to proposed employee parking area; and (7) Installation of a left-turn lane on Zinfandel Lane at the project entrance. The project also includes a request for an exception to the Napa County Road and Street Standards (RSS) to allow the existing access gates to remain and not be widened to a width of 22 feet and a reduction of driveway width for some portions of the existing driveway. The project is located on an approximately 11.66 acre site within the AP (Agricultural Preserve) zoning district with a General Plan land use designation of AR (Agricultural Resources) at 588 Zinfandel Lane, Saint Helena, CA; APN: 030-260-016.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Exception to the Napa County Roads &

Street Standards and Use Permit Major Modification, as conditioned.

**Staff Contact:** Jason R. Hade, Principal Planner, (707) 259-8757 or [jason.hade@countyofnapa.org](mailto:jason.hade@countyofnapa.org)

**Applicant Contact:** Donna Oldford, Plans4Wine, 2620 Pinot Way, Saint Helena, CA 94574, (707) 963-5832 or [dboldford@aol.com](mailto:dboldford@aol.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-7 in Attachment A;
2. Approve an Exception to the Napa County Road & Street Standards, based on Findings 8-9 in Attachment A and subject to the recommended conditions of approval in Attachment B; and
3. Approve Use Permit Major Modification No. P19-00130-MOD, including those modifications to remedy existing violations, 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 winery Use Permit to recognize two existing marketing program events and 18 existing employees which were not approved under the initial Use Permit in 2009. The applicant also requests recognition of the use of a loft area for wine tasting (accessory use) that was previously permitted for production use only. In addition, the application also seeks to expand its entitlements to, among other improvements, increase wine production, employees, and parking spaces, and to authorize an exception to the Road and Street Standards.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing conditions and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Use Permit Major Modification Application requests recognition of existing marketing program events and employees. Although not initially permitted at the existing levels under Use Permit P08-00672-UP, these activities are already occurring at the subject site.

As described in Resolution No. 2018-164, the subject application was found to be substantially conforming prior to the submittal deadline of March 29, 2019 at 2:00 PM. Accordingly, the County may use the existing operations as the environmental baseline for the CEQA analysis related to this application. No changes are proposed to the winery's existing visitation program. Although the requested recognition of the two existing marketing events slightly exceeds that of similar production capacity by appointment wineries, staff is supportive of the request based upon the project's location on the valley floor near a State Highway and the determination that all potentially significant environmental impacts are less than significant.

The winery has already implemented the following GHG reduction methods: installation of solar panels which generate on-site renewable energy; planting of additional trees; use of alternative fuel and electrical vehicles in fleet; exceedance of Title 24 energy efficiency standards; implementation of a Vehicle Miles Traveled (VMT) reduction plan; use of solar hot water heating; installation of energy conserving lighting; installation of an energy

star/cool roof; installation of water efficient fixtures; low impact development implementation; use of water efficient landscaping; recycling of 75 percent of all waste; composting of 75 percent food and garden material; implementation of a sustainable purchasing and shipping program; site design oriented to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; installation of electrical vehicle charging station; minimizing the amount of grading and tree removal; certification as a Napa Green Winery and Napa Green Land; use of recycled materials; local food production; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retaining biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site.

Based on the reasons stated above, staff recommends approval of the project (the components necessary 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 Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. 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:** Wheeler Farms Partners, LLC, 1751 Skellenger Lane, Napa, CA 94558; (707) 968-0700

**Representative:** Donna Oldford, Plans4Wine, 2620 Pinot Way, Saint Helena, CA 94574, (707) 963-5832;  
[dboldford@aol.com](mailto:dboldford@aol.com)

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

**GP Designation:** Agricultural Resource (AR) designation

**Filed:** March 27, 2019; **Resubmittal Received:** September 6, 2019; November 11, 2019; and October 30, 2020;  
**Deemed Complete:** November 30, 2020

**Parcel Size:** 11.66 acres

**Existing Development:** The parcel is currently developed with winery buildings, a waste disposal system, 16 parking spaces, two wells, landscaping and approximately 9.4 acres of vineyards.

### **Proposed and Existing Winery Characteristics**

**Winery Development Area - Approved:** 46,118 square foot winery development area with uses identified above.  
**Winery Development Area - Proposed:** 73,901 square feet.

**Production Capacity Approved:** 50,000 gallons per year. Actual maximum annual production was 42,240 gallons in 2018.

**Production Capacity Proposed:** 70,000 gallons per year.

**Winery Coverage Existing:** 52,401 square feet or approximately 10.3%.

**Winery Coverage Proposed:** 80,184 square feet or approximately 15.7%. (Maximum 25% or approximately 15 acres permitted, whichever is less).

**Accessory/Production Ratio Approved:** 4,207 square feet accessory/32,481 square feet production - approximately 13%.

**Accessory/Production Ratio Existing:** 4,422 square feet accessory/32,266 square feet production - approximately 14%.

**Accessory/Production Ratio Proposed:** No change.

**Number of Employees Approved:** Two full-time and two part-time employees.

**Number of Employees Existing:** 14 full-time and eight part-time employees.

**Number of Employees Proposed:** 15 full-time and eight part-time employees.

**Visitation - Approved:** 32 visitors per day by appointment and 224 visitors maximum per week.

**Visitation - Existing:** 32 visitors per day by appointment and 224 visitors maximum per week.

**Visitation - Proposed:** No change.

**Marketing Program - Approved:** Four events per month (24 guests per event) and four events per year (75 guests per event).

**Marketing Program - Existing:** Four events per month (24 guests per event), four events per year (75 guests per event), and two events per year (120 guests).

**Marketing Program - Proposed:** No change.

**Days and Hours of Operation - Approved:** 6:00 AM to 6:00 PM daily (production hours) and 10:00 AM to 6:00 PM daily (visitation hours).

**Days and Hours of Operation - Existing:** 6:00 AM to 6:00 PM daily (production hours) and 10:00 AM to 6:00 PM daily (visitation hours).

**Days and Hours of Operation - Proposed:** No change.

**Parking - Approved:** 16 parking spaces.

**Parking - Proposed:** 31 parking spaces and provide 10 bicycle parking spaces per 10 or more automobile parking spaces.

**Setbacks:**

Required Road setbacks – 300 feet from the centerline of Zinfandel Lane.

Required Property line setbacks - 20 feet side and rear yard setbacks (for structures).

Existing Setbacks - The existing winery building is located approximately 200 feet from the centerline of Zinfandel Lane (authorized by Variance P09-00347-VAR), 168 feet from the centerline of the private easement (authorized by Variance P09-00347-VAR), 300 feet from the rear property line, and 200 feet from the eastern side property line.

Proposed Setbacks - No change.

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

North: Agricultural Resource (AR) General Plan land use designation/Agricultural Preserve (AP) zoning district/agricultural use (vineyards) and rural residential

South: AR/AP/vineyards and wineries

East: AR/AP/rural residential

West: AR/AP/rural residential

**Nearby Wineries: (located within 1 mile of the project)**

Please refer to Attachment K.

**Parcel History:**

The original use permit for Wheeler Winery was approved by the Planning Commission on September 16, 2009, and included approval of a Variance (#P09-00347-VAR) from the required road setbacks from Zinfandel Lane, as set forth in Napa County Code section 18.104.230 (A.) (1.) & (2.). The Use Permit (#P08-00672-UP) established a new winery in two phases as follows: Phase I: Demolish three of the four existing on-site residential structures and in the same location, construct a new 50,000 gallon per year winery that includes: (1) a two-story fermentation building with a below ground barrel storage cellar totaling 14,479 sq. ft., a two-story administrative/hospitality building with a covered breezeway totaling 4,083 sq.ft., and a 2,680 sq.ft. covered crush pad for a winery totaling approx. 21,242 sq. ft.; (2) two full-time and two part-time employees; (3) six parking spaces; (4) Tours and Tasting By Appointment Only for a maximum of 32 visitors per day (224 per week); (5) a Marketing plan with four 24-person events per month, four 75-person events per year and participation in the Napa Valley Wine Auction; (6) installation of a pressure distribution type wastewater disposal system; (7) construction of a main access and a secondary access for winery production use only that includes an Exception to the Napa County Road and Street Standards to allow 12 ft. of surfaced roadway with 2 ft. shoulders (18 ft. of surfaced roadway plus two ft. shoulders required). Phase II: Construction of a separate 4,000 sq. ft. two-story barrel storage building located 70 feet to the east of the proposed Phase I winery structure bringing the winery total to approximately 25,242 sq. ft. On August 29, 2011, the PBES Director approved Use Permit Very Minor Modification P11-00289-VMM to grant a one-year time extension of the previously approved Use Permit to September 16, 2012. On October 11, 2012, the PBES Director approved Use Permit Very Minor Modification P12-00305-VMM to grant a one-year time extension of the previously approved Use Permit to October 11, 2013. The "use" of Use Permit Minor Modification P08-00672 was confirmed via a Use Determination (P13-00216) issued on July 10, 2013. A Use Permit Minor Modification (P14-00283) was approved by the Zoning Administrator on December 19, 2014, which authorized (1) minor building site revisions within the winery development area of the original use permit including moving the proposed fermentation building an additional 43 feet from the centerline of Zinfandel Lane, moving the production building an additional five feet from the centerline of the private easement along the east property line, and moving the administration building one foot closer to the west property line; (2) minor modifications of approved buildings sizes and an increase in the underground barrel storage resulting in an approximately 23 percent increase in the overall approved square footage; (3) approval of a LYVE or similar wastewater treatment facility to replace the approved in-ground septic system; (4) incorporation of an updated landscape plan that accomplishes the original screening requirements and saves two additional mature oak trees; (5) installation of a gate and winery sign; (6) removal of the second existing 60,000 gallon water tank, construction of two replacement 50,000 gallon irrigation water tanks, and construction of one 50,000 gallon fire/domestic water storage tank as required by the original use permit conditions of approval; (7) removal of the fourth existing residential structure; and (8) removal of the construction phasing plan. No changes in annual production, hours of operation, number of employees, visitation, or marketing were permitted. The "use" of Use Permit Minor Modification P14-00283 was confirmed via a Use Determination (P15-00113) issued on May 8, 2015. On September 17, 2015, the PBES Director approved Use Permit Very Minor Modification P15-00244-VMM which permitted the conversion of an outdoor access area to an enclosed production area and on-premises wine consumption on the patio to the north side of the hospitality building.

**Code Compliance History:**

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164. Pursuant to that Resolution, a site inspection was conducted by Code Compliance, Planning, Engineering and Fire staff on July 9, 2019, to identify any potential health and safety issues, as well as to review the existing use and proposed changes. As a follow-up to the site inspection, a notice regarding apparent code violations was issued to the property owner by the Code Enforcement Division on July 16, 2019. Apparent code violations included various Fire Code violations regarding the blockage of exit doors and electrical issues, as well as the need to obtain a Use Permit modification and building permit for the unauthorized use of the loft area for hospitality purposes. Code Enforcement Case CE20-00068 was opened for the alleged violations outside the scope of the Use Permit, but would be resolved by approval of this Use Permit Major Modification request. All items noted in the apparent code violation notice of July 16, 2019, have been addressed as confirmed via a follow-up life safety inspection which was conducted by Code Compliance and the Fire Department on November 18, 2020.

**Discussion Points:**

Setting - The 11.66 acre parcel is relatively flat and is currently developed with winery buildings, a waste disposal system, 16 parking spaces, two wells, landscaping and approximately 9.4 acres of vineyards. Access to the property is from Zinfandel Lane via two paved driveways. On-site soil type is Pleasanton loam, 0 to 2 percent slopes. The site lies outside of the boundaries of the 100 and 500-year flood hazard boundaries. The project site is outside of a designated Fire Hazard Severity area. Land uses in the area are dominated by large lot residential properties, wineries, including Kelham Winery and Raymond Vineyard and Cellar, and vineyards. The nearest residence to the project site is approximately 305 feet to the southwest of the existing hospitality building.

Winery Proposal - The request is to modify an existing winery Use Permit to recognize unpermitted marketing events and employees, as well as unpermitted accessory use of production area. In addition to the changes requested to remedy existing violations, the applicant requests several expansions beyond the existing entitlements and conditions, including increased production and physical improvements, as well as an exception to the Napa County Road and Street Standards (RSS).

Visitation/Marketing Program - Components Necessary to Remedy Existing Violations: As shown in Attachment K, the existing marketing program requested for recognition slightly exceeds the annual marketing visitors average and median calculations of similar production capacity by appointment wineries. As part of the recommended conditions of approval from the Public Works Department, a Transportation Demand Management (TDM) program would be required to be implemented to reduce the vehicle miles traveled (VMT) to and from the project site by 15 percent. Additionally, no new marketing events are proposed and a project specific condition would ensure that on days that marketing events occur, daily visitation by appointment would be reduced by the same amount as the number of guests at the marketing event. Although the requested recognition of the two additional annual marketing events slightly exceeds that of similar production capacity by appointment wineries, staff is supportive of the request based upon the project's location on the valley floor near a State Highway and because all potentially significant environmental impacts were found to be less than significant. **Expansion Beyond Existing Entitlements and Conditions:** No intensification of the visitation and marketing program is proposed except the recognition of existing conditions.

Food Service - The winery has an approved commercial kitchen which would provide food service for smaller events while food service for larger events would continue to be provided by licensed caterers. Wine and food pairings are requested, but food service would not be the predominant use at the marketing events requested for recognition. All marketing events would be required to conform to Condition of Approval No. 4.3 which addresses food service as it relates to the marketing of wine.

Traffic and Parking - Crane Transportation Group prepared a *Final Traffic Impact Report for the Wheeler Farms Use*

*Permit Modification 2020* on October 29, 2020 and subsequent follow-up memorandum dated November 20, 2020 (Attachment I). Based upon County formula, the Wheeler Farms Winery is currently generating 26,440 yearly trips, while with the use permit modification 2020 yearly trip generation would increase to 27,483 yearly trips for an increase of 1,043 yearly trips. According to the study, proposed project harvest Friday and Saturday PM peak hour trips would increase by one trip Friday and one trip on Saturday. No new marketing events or increase in daily visitation is proposed. Cumulative operating conditions were determined by the calculating the project's percentage contribution to the total growth in traffic from existing conditions. According to the study, the project would result in no significant off-site circulation system operational impacts to SR 29, Silverado Trail or Zinfandel Lane or to the Zinfandel Lane intersections with SR 29, Silverado Trail or the project main driveway. (Crane Transportation Group, 2020) Public Works Department staff reviewed the study and concluded that the study adequately demonstrates that the proposed use in the proposed location would not result in any significant impacts, either project-specific or cumulative, on traffic circulation in the vicinity. Therefore, the project would result in a nominal increase in trips on the study area transportation network. Additionally, no new marketing events are proposed and a project specific condition would ensure that on days with marketing events occurring daily visitation by appointment would be reduced by the same amount as the number of guests at the marketing event. As proposed, the project would not conflict with any adopted policies, plans or programs supporting alternative transportation. No pedestrians and minimal or no transit users are expected at the winery. However, a minimum of ten on-site bicycle parking spaces would be provided as part of the project for any bike riders accessing the winery via the Class II bike lanes along both SR 29 and Silverado Trail.

The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The proposed Wheeler Farms Use Modification project is estimated to generate five net new daily trips, which is well below the 110 trip threshold in the Office of Planning and Research guidelines. The applicant provided information demonstrating the winery's efforts to reduce vehicle miles traveled via implementation of a Transportation Demand Management Plan (Appendix H of traffic impact report). A condition of approval would require implementation of the TDM for the life of the project.

The proposal includes the construction of 15 additional parking spaces for a total of 31 parking spaces at the subject site. Based upon the County standard of 2.6 persons per vehicle during weekdays and 2.8 persons per vehicle during weekends and 1.05 persons per vehicle for employees the minimum parking required for weekend activities would be 35 parking spaces. However, it is unlikely that the winery would host 32 visitors at one time and have 23 employees at the site at one time.

Left-Turn Lane - The proposed Wheeler Farms Use Modification project would construct a left turn lane on the Zinfandel Lane eastbound approach to the main winery driveway as part of project development. It would be designed in conjunction with a left turn lane being built on the westbound Zinfandel Lane approach to the Raymond-Ticen Winery driveway (just west of the project site). Sight lines at the project driveway connection to Zinfandel Lane are acceptable and meet Caltrans stopping sight distance criteria. (Crane Transportation Group, 2020) Internal circulation has been designed to meet County and CalFire standards criteria. Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as conditioned.

Groundwater Availability - The project is categorized as being located within the Valley Floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year based upon current County Water Availability Analysis policies. Based upon those criteria, the Allowable Water Allotment for the project site is 11.66 acre-feet per year (af/yr), determined by multiplying the 11.66 acre Valley floor site by a one AF/YR/acre fair share water use factor. Currently, there are two wells located on the project parcel. The existing domestic (winery) well is located in the southeasterly corner of the project site within the existing vineyard adjacent to Zinfandel Lane and is used for domestic and irrigation water uses. The existing irrigation well is also located in the southeasterly corner of the project site within the existing vineyard adjacent to Zinfandel Lane and is used for irrigation water uses only. The domestic well was drilled by Huckfeldt Well Drilling, Incorporated in 2015 and has a recorded state well

number of e0237636. The domestic well has a reported completion depth of 638 feet with a 56-foot cement annular seal. Static water was observed at 22 feet below ground surface at the time of drilling. The existing irrigation well was drilled in 1971. Per the Application and Permit to Construct a Water Well, the irrigation well has an eight (8) inch steel casing. The observed flow rate is reported to be in excess of 25 gallons per minute (gpm) by vineyard management personnel. A yield test was performed on the domestic well by Doshier Gregson Pump & Well Service on February 19, 2016. Prior to the start of the yield test, static water level was recorded at 26 feet below surface. A sustained yield of 80 gpm was recorded after eight (8) hours of continuous pumping. Static water levels recovered to 29 feet below surface after 10 hours and 45 minutes of rest. According to the Water Availability Analysis for The Wheeler Farms Winery 588 Zinfandel Lane, St. Helena, CA APN: 030-260-016 prepared by Bartelt Engineering in December 2020 (Attachment G), the anticipated total overall water demand for the project site would be 7.17 AF/YR representing a 0.69 AF/YR decrease of the existing water demand of 7.86 AF/YR. In summary, the existing yield would be sufficient to serve all uses on the property. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels.

Wastewater - According to the Onsite Wastewater Dispersal Feasibility Study for Wheeler Farms Winery, 588 Zinfandel Lane, St. Helena, CA, APN 030-260-016 prepared by Bartelt Engineering in December 2020 (Attachment H), the project site and proposed system would have adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Greenhouse 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 winery has already implemented the following GHG reduction methods: installation of solar panels which generate on-site renewable energy; planting of additional trees; use of alternative fuel and electrical vehicles in fleet; exceedance of Title 24 energy efficiency standards; implementation of a Vehicle Miles Traveled (VMT) reduction plan; use of solar hot water heating; installation of energy conserving lighting; installation of an energy star/cool roof; installation of water efficient fixtures; low impact development implementation; use of water efficient landscaping; recycling of 75 percent of all waste; composting of 75 percent food and garden material; implementation of a sustainable purchasing and shipping program; site design oriented to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; installation of electrical vehicle charging station; minimizing the amount of grading and tree removal; certification as a Napa Green Winery and Napa Green Land; use of recycled materials; local food production; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retaining biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site.

Grape Sourcing - The project site includes approximately 9.4 acres of vineyards. These on-site vineyards produce approximately 42.3 tons of grapes. Using a standard of 165 gallons of wine per ton, on-site vineyards would supply 6,980 gallons. Remaining fruit would be provided by vineyards owned or leased by the applicant within the County and from non-Napa fruit. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule (COA 4.6 – Attachment B).

RSS Exception - The project also includes a request for an exception to the Napa County Road and Street Standards (RSS) (Attachment F). To approve a road modification request, the Planning Commission must find that the project satisfies two requirements. The first is that the project meets the required findings under Napa County's Exception to Standards Section 3(D) which shall include any one of the following: 1) to preserve unique features of the environment (exception does not include man made environmental features such as, decorative landscaping, vineyard, or fences); 2) to accommodate physical site limitations such as grade differentials; or 3) to accommodate other limiting factors such as historical or legal constraints. In doing so, the Commission must find that there is either a natural feature or legal/historical constraint that prevents the project from otherwise meeting the standard.



The second requirement is that the proposed alternative design contains mitigating features such that the alternative design achieves the same overall practical effect as that of a project that meets the standards. In practice, 'same practical effect' is typically implemented by: 1) widening the road where it can be widened to the standard (and thus limiting the area(s) of substandard road sections); 2) employing additional design features such as signage, view mirrors (where appropriate), vegetation clearing, pavement grove (for steep slopes), in the vicinity of the reductions; and 3) implementing building and site safety upgrades such as increased fire sprinkler water storage, safe haven driveway expansions, increased access and clear areas around buildings, and additional fire resistant construction.

The request proposes an exception to the Napa County RSS to allow for the existing access gates to remain and not be widened to a width of 22 feet and a reduction of driveway width for some portions of the existing driveway. The RSS exception has been requested because driveways are paved and were originally designed, approved, and constructed to meet the Road and Street Standard Requirements in 2015/2016.

The County Engineering Services Division and Napa County Fire Department reviewed the request and conducted a site visit. Engineering staff, as well as, Fire Department staff recommend approval of the requested road exception, subject to recommended conditions in their memo of December 18, 2020 and January 11, 2021, respectively. Strict application of the requirement to improve the existing driveway to current standards and to widen the gate would result in unnecessary grading where safe access already exists as it was constructed consistent with the 2016 RSS. In addition, the improvement achieves the same overall practical effect of the NCRSS by providing defensible space and consideration toward life, safety and public welfare by providing the following permanent measures: 1) horizontal and vertical vegetation management as described in the RSS exception request shall be implemented along the entire length of the private driveway connection to Zinfandel Lane; 2) surfacing of the entire access road to meet RSS standards and; 3) periodic maintenance of the private driveway by the property owner to assure sufficient structural section for loading conditions to the imposed loads of fire apparatus weighing at least 75,000 pounds and the design Traffic Index.

Public Comments - At the time of staff report preparation, no public comments had been received.

Pursuant to BOS Resolution No. 2018-164, (Staff has provided separate decision-making options for the components of the project necessary to remedy existing violations and the new expansions beyond existing entitlements.

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

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

#### Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing employees and marketing program levels at the winery. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, staff recommends recognition of the existing employees and marketing program based upon the site's non-remote location, sufficient access, proximity to State Highway 29 and, availability of adequate water supplies.

Action Required - Follow the proposed action listed in 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.

Option 2 - Reduced Employee and/or Marketing Program Alternative

Disposition - This option would require that the applicant reduce their number of existing employees and/or existing maximum marketing event numbers and/or the number of marketing events. As noted above, the existing marketing program requested for recognition is slightly above the average and median calculations of similar production capacity by appointment wineries. Staff recommends no changes to the existing employees and marketing program. All potential environmental impacts were found to be less than significant.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the number of existing employees and/or marketing program events and required conditions of approval. The item will need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny 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 Use Permit modification, 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 Use Permit modification is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

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

**Decision Making Options Regarding Expansions Beyond Existing Entitlements:**

Staff recommends approval of the applicant's proposal as described in Option 1 below.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including one additional full-time employee, a modest production capacity increase, enlarged parking area, and installation of a left-turn lane.

Staff recommends this option as many of the changes requested such as the additional employee and increased production capacity are operational modifications to support the future growth of the winery and would not result in physical changes at the subject site. No additional visitation or marketing program events are requested beyond the existing conditions.

Action Required - Follow the proposed action listed in 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.

Option 2 - Deny the RSS Exception Request

Disposition - This option would require that the existing driveway be improved to current NCRSS including a width

of 20 feet with a gate which opens two feet wider than the roadway. However, this alternative would result in additional grading. The Engineering Division and Fire Department have evaluated the request and found that it achieves the same practical effect as the current NCRSS because safe access already exists as the improvements were constructed consistent with the 2016 RSS.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the improvement of the driveway and gates to current NCRSS. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

### Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification and RSS exception, 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 Use Permit modification and RSS exception is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

### Option 4 - Continuance Option

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

## **SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Project Conditions
- D . Initial Study/ Negative Declaration
- E . Use Permit Major Modification Application Packet
- F . Road and Street Standards Exception Request
- G . Water Availability Analysis
- H . Wastewater Feasibility Study
- I . Traffic Impact Study
- J . Graphics
- K . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona