



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/16/2019

Agenda Placement: 7B

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: Jason Hade, Planner III - (707) 259-8757

SUBJECT: Hard Six Cellars Winery

RECOMMENDATION

WAYNE AND KARA FINGERMAN / HARD SIX CELLARS WINERY / USE PERMIT # P16-00333 AND USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS #19-00315 AND EXCEPTION TO THE NAPA COUNTY ROAD AND STREET STANDARDS

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures (or MM's). MM's are proposed for the following area(s) Biological Resources and Transportation. 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 for a new 20,000 gallon per year winery to allow the following: (a) Construct a 3,969 square foot two-story (main roof height of approximately 23 feet) winery structure, 7,135 square foot cave, 5,486 square foot uncovered work area, and 1,185 square foot outdoor hospitality area. A 168 square foot pump house is also proposed; (b) Removal of existing barn; (c) Maximum annual permitted production of 20,000 gallons; (d) Hosted daily tours and tastings by appointment only for a maximum of 16 persons per day and 112 persons per week Monday through Sunday. Food service (wine and food pairings) is requested as part of the tours and tastings; (e) A Marketing Program; (f) Hours of operation: 6:00 AM to 6:00 PM (production hours, except during harvest), 10:00 AM to 6:00 PM (visitation hours); seven (7)-days a week; (g) Employment of: four employees (three full time and one part-time) non harvest; two additional employees (two part time) during harvest, for a total maximum of six employees; (h) On-premises consumption of wines produced on site in the outdoor patio and near the pond in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (i) Construction of four (4) parking spaces (three (3) standard spaces and one ADA space); (j) Improvement of the existing access driveway to County standards except for the request noted below; (k) Installation of landscaping and restoration of the existing pond; (l) Construct a new wastewater system and associated infrastructure consistent with County Code; and (m) Construction of one (1) 5,000 gallon water storage tank and one (1) 50,000 gallon fire protection water storage tank.

A Use Permit Exception to the Conservation Regulations application (P19-00315) is also requested to allow re-grading of the existing access driveway to the south fork of Diamond Mountain Road to encroach into the required 55-foot stream setback by approximately 30 to 35 square feet for the unnamed creek. This section of the access driveway lies within a 40-foot wide access easement across a portion of APN 020-300-071. The project also includes a request for an exception to the Napa County Road and Street Standards (RSS) dated January 8, 2018. The request proposes an exception to the Napa County RSS to allow for a reduction in commercial width, a non-standard driveway connection to the nearest public road, and for a portion of road with slopes exceeding 18 percent but less than 20 percent without transition zones (sections of road not exceeding 10 percent for 100 feet in length immediately preceding and ensuing the section of road with the roadway grade of 18 to 20 percent.) The RSS exception has been requested to preserve mature native trees on steeply sloping hillsides and to minimize the need for grading on steep slopes and within the natural watercourse surrounding the driveway. The project is located on an approximately 53.04 acre site within the AW (Agricultural Watershed) zoning district at 1755 S. Fork Diamond Mountain Road; APN: 020-100-014.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the Exception to the Napa County Roads & Street Standard, Use Permit Exception to Conservation Regulations and Use Permit, as conditioned.

Staff Contact: Jason R. Hade, Planner III, (707) 259-8757 or Jason.hade@countyofnapa.org

Applicant: Wayne and Kara Fingerman; (707) 942-4806 or wfingerman44@gmail.com or karafinger@gmail.com

Applicant Representative: Donna Oldford, Plans4Wine; (707) 963-5832 or dboldford@aol.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) based on recommended Findings 1-7 in Attachment A;
2. Approve an Exception to the Napa County Road & Street Standards, based on Findings 8-10 of Attachment A and subject to the recommended conditions of approval in Attachment B;
3. Approve Use Permit Exception to Conservation Regulations No. P19-00315-UP based on recommended Findings 11-17 in Attachment A, and subject to the recommended conditions of approval in Attachment B; and
4. Approve Use Permit No. P16-00333-UP based on recommended Findings 18-22 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

The proposal is to construct and operate a new winery with a production capacity of up to 20,000 gallons. The winery would consist of a 3,969 square foot two-story (main roof height of approximately 23 feet) winery structure, 7,135 square foot cave, 5,486 square foot uncovered work area, and 1,185 square foot outdoor hospitality area. A visitation and marketing program is proposed. Furthermore, an exception to the NCRSS is requested to allow for a reduction in commercial width, a non-standard driveway connection to the nearest public road, and for a portion of road with slopes exceeding 18 percent but less than 20 percent without transition zones. All other portions of the driveway will be improved to conform to the commercial roadway requirements as outlined in the NCRSS. An

application for a Use Permit Exception to the Conservation Regulations (P19-00315) requests approval to re-grade the existing access driveway to the south fork of Diamond Mountain Road to encroach into the required 55-foot stream setback by approximately 30 to 35 square feet for the unnamed creek.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. The requested annual maximum visitation and number of marketing events is similar to those of similar production capacity by appointment wineries. Sufficient water is available to serve the project and a Transportation Demand Management plan would be implemented as part of the project's mitigation measures (MM TRANS-1). Furthermore, the applicant intends to implement the following GHG reduction methods at the winery: preservation of developable open space in a conservation easement; solar hot water heating; energy conserving lighting; energy star roof/living roof/cool roof; installation of water efficient fixtures; low-impact development (LID); water efficient landscape; recycle 75 percent of all waste; compost 75 percent of food and garden material; implement a sustainable purchasing and shipping program; electric vehicle charging station installation; site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave (a cave is proposed); limit the amount of grading and tree removal; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. All potential environmental impacts were found to be less than significant with implementation of mitigation measures in the areas of biological resources and transportation.

Staff has reviewed the Road and Street Standards Exception request and determined that the required findings can be met.

Staff believes that the necessary findings can be made to approve the requested exception to the Conservation Regulations for the proposed driveway re-grading due to the limited encroachment into the required stream setback and based upon the agreed upon biological resources mitigation measures. The proposed re-grading of the existing access driveway to the south fork of Diamond Mountain Road would encroach into the required 55-foot stream setback by approximately 30 to 35 square feet for the unnamed creek, but no work would occur within the creek bed or bank. The biological resources mitigation measure would require preconstruction surveys for the Western Pond Turtle and that if any placement of fill within the fresh water marsh of the pond identified in the *Delineation of Potential Jurisdictional Waters Fingerman Property, Calistoga, Napa County, California*, is proposed, consultation and permitting must be obtained from the U.S Regional Water Quality Control Board and California Department of Fish and Wildlife prior to and during the construction.

Based on the reasons stated above, staff recommends approval of the project subject to the recommended conditions of approval. However, staff has also included a reduced visitation option for Commission consideration based upon the site's remote location.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Mitigated Negative Declaration and MMRP. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental

impacts after implementation of mitigation measures. Mitigation measures are proposed for the areas of biological resources and transportation. 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/Applicant: Wayne and Kara Fingerman, 1755 S. Fork Diamond Mountain Road, Calistoga, CA 94515; (707) 942-4806; wfingerman44@gmail.com or karafinger@gmail.com

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

Zoning: Agricultural Watershed (AW)

GP Designation: Agriculture, Watershed & Open Space (AWOS)

Filed: August 11, 2016; **Resubmittals Received:** July 24, 2017, February 1, 2018; January 31, 2019; **Deemed Complete:** May 9, 2019

Parcel Size: 53.04 acres

Existing Development: The subject site includes an existing primary residence, agricultural building, landscaping, pool, two (2) 10,000 gallon water storage tanks, pond, and water treatment system. The water source for the project is one onsite well. Approximately four acres of vineyards are planted at the subject site. Existing site access is provided via a driveway connection to the south fork of Diamond Mountain Road approximately 1,000 feet south of the Diamond Mountain Road intersection.

Proposed Winery Characteristics:

Winery Size: Approximately 3,969 square foot two-story (main roof height of approximately 23 feet) winery structure, 7,135 square foot cave, 5,486 square foot uncovered work area, and 1,185 square foot outdoor hospitality area. A 168 square foot pump house is also proposed.

Production Capacity: 20,000 gallons per year

Winery Development Area: 0.085+/- acres (3,700 sf)

Winery Coverage: 0.76 acres or 1.3% (Maximum 25% or approximately 15 acres)

Accessory / Production Ratio: Accessory - 2,037+/- sf; Production - 9,235+/- sf: The ratio equals 22 % (Maximum 40% permitted)

Number of Employees: Four (4) employees (three (3) full time and one (1) part-time) non harvest; two (2) additional employees (two (2) part time) during harvest, for a total maximum of six (6) employees;

Proposed Visitation: Hosted daily tours and tastings by appointment only for a maximum of 16 persons per day and 112 persons per week Monday through Sunday. Food service (wine and food pairings) is requested as part of the tours and tastings.

Proposed Marketing Program: (a) Four (4) events per year with a maximum of 75 guests; (b) One (1) event per year with a maximum of 125 guests; (c) All food to be catered; and (d) Time of day: 11:00 AM to 10:00 PM.

Days and Hours of Operation: 6:00 AM to 6:00 PM (production hours, except during harvest), 10:00 AM to 6:00 PM (visitation hours); seven (7)-days a week.

Parking: Four parking spaces including one ADA space.

Setbacks: Required: 300-feet from the South Fork of Diamond Mountain Road and 20 feet from all other property lines

Proposed: 419 feet from front property line (western side); 796 feet rear property line from eastern side; 827 feet side property line northern side; and 705 feet from side property line (southern side)

Adjacent General Plan Designation/ Zoning / Land Use:

North: AWOS / AW / Rural Residential

South: AWOS / AW / Rural Residential

East: AWOS / AW / Rural Residential/Vineyards

West: AWOS / AW / Rural Residential

Nearby Wineries (located within 1 mile of the project)

Please refer to Attachment L.

Parcel History:

On April 22, 2008, an Erosion Control Plan Track I (P06-0058) was approved for the planting of 5.4 vineyards at the site.

Code Compliance History:

None. There are no open or pending code violations for the site. The County is not aware of any compliance issues on the property and no complaints have been filed.

Discussion Points:

Setting - The 53.04 acre project site is located within the AW zoning district on South Fork Diamond Mountain Road approximately two miles from the intersection with State Route 29 and approximately 0.75 miles south of the City of Calistoga. The project vicinity is rural and dominated by vineyards as well as natural habitats consisting of coniferous forest, oak woodland, chaparral, and open grasslands. In general, the coniferous forests and oak woodlands occupy north-facing slopes and valley bottoms. Chaparral is most common along the steepest, mostly south-facing slopes and on shallow, rocky soils. Grasslands occur on deep to moderately deep soils along less steep slopes, ridge tops, and adjacent to larger stream corridors. These habitats are bisected by a network of mostly seasonal streams that feed into the Napa River. The project site consists of a mix of natural habitats and anthropogenic features. The eastern portion of the site encompasses several structures, as well as natural habitats. Many of the structures are associated with the vineyard which is maintained by the property owner. The western portion of the site contains only natural habitat surrounding the driveway. Natural habitats within the project site boundary include the following, in general order of extent: fresh emergent wetland (associated with the onsite man-made pond), montane hardwood-conifer, annual grassland/ruderal, mixed chaparral, and redwood, as classified in the California Wildlife Habitat Relationships vegetation classification system (Mayer and Laudenslayer

1988). Precipitation occurring on the project site drains eastward and westward via two non wetland swales. There are no streams on the project site. Site topography ranges from slopes of less than five percent to slopes in excess of 30 percent within the north, south and western edges of the property. Soil types include Forward Kidd Complex, 11 to 60 percent slopes. The site lies outside the boundaries of the 100 and 500 year flood hazard boundaries. The project site is in an area designated as Very High Fire Hazard Severity. The property is surrounded by rural residential and agricultural (vineyards) uses. The proposed winery is located approximately 616 feet to the west of the nearest neighboring residence which is located at 1761 Diamond Mountain Road.

Winery Proposal – The winery would consist of a 3,969 square foot two-story (main roof height of approximately 23 feet) winery structure, 7,135 square foot cave, 5,486 square foot uncovered work area, and 1,185 square foot outdoor hospitality area. Proposed architectural design of the winery structure would utilize gray concrete walls with steel finish, steel trellising, glass façade with aluminum and glass storefront doors, wood trim, and a metal roof of pre-finished metal with gray or zinc tone color. The maximum height for the slope-roof winery structure would be approximately 23 feet measured from grade. The proposed winery structure would not be visible from any public roadways because of the existing site topography. Wine cave spoils would total approximately 4,230 cubic yards of spoils. The majority of spoils would be permanently kept on site and utilized for the restoration of the pond as shown on the project plans while the remaining excess spoils would be transported off-site to a County approved location. The applicant anticipates up to two truck trips per day for spoils off-hauling during the projected eight month project construction duration.

Visitation/Marketing Program - As shown in Attachment L, the proposed annual maximum visitation is above the average and the median of similar production capacity by appointment wineries. The requested number of marketing events is below both the average and median for similar production capacity by appointment wineries while requested maximum annual visitors is above the average and median. The proposed visitation request could result in a maximum of 5,824 tastings per year, but it is very unlikely that the winery would host 16 daily visitors for 365 days per year. Marketing events with 75 guests and 125 guests are planned. These events would be held between 10:00 AM and 2:30 PM or after 6:00 PM. The tasting room would be closed during marketing events of 125 persons. Implementation of the Transportation Demand Management (TDM) plan, as required by mitigation measure TRANS-1 (COA 9.8.a in Attachment B), would address parking during the proposed events by requiring the use of a shuttle bus system for events of 125 guests to transport guests from additional temporary parking along vineyard roads and along the shoulders of the winery access road. Staff has provided a decision making option below which would reduce the number of authorized annual visitors based on the project's location.

Biological Resources - Natural habitats within the project site boundary include the following, in general order of extent: fresh emergent wetland (associated with the onsite man-made pond), montane hardwood-conifer, annual grassland/ruderal, mixed chaparral, and redwood. Two special-status plants are present within the study area that are listed by the California Native Plant Society (CNPS): *Calistoga Ceanothus* (*Ceanothus divergens* CNPS List 1.B.2) and Napa False Indigo (*Amorpha californica* var. *napensis* CNPS List 1.b.2). These plants do not have State or Federal Listing but are listed by the California Native Plant Society (Special-Status Plant Survey Hard Six Cellars 1755 S. Fork Diamond Mountain Road, Calistoga, CA 94516, 2018). Avoidance of all special-status plants may be impractical so a mitigation plan would need to be developed as discussed further in mitigation measure BIO-1 (COA 6.12.a in Attachment B) which addresses special-status plants. An assessment for Northern Spotted Owls was conducted and determined that the closest known Northern Spotted Owl territory is located just over a half-mile from the project area. Site topography would ensure that noise from the project's construction activities would not disturb the Northern Spotted Owl within their activity center. The project is located in unsuitable Northern Spotted Owl habitat and would not alter any Northern Spotted Owl habitat (Hard Six Cellars Project, 2016). Sensitive animal species which could occur on the project site include special-status birds and the western pond turtle (Fingerman Property 1755 S. Fork Diamond Mountain Road, Calistoga, Napa County, 2016). The implementation of mitigation measures 6.12.a (special-status plants), 6.12.b (special-status bird species), and 6.12.c (western pond turtle) would reduce potentially significant impacts to a level of less than significant. If any placement of fill within the fresh water marsh of the pond identified in the *Delineation of Potential Jurisdictional*

Waters Fingerman Property, Calistoga, Napa County, California, is proposed, consultation and permitting must be obtained from the U.S Regional Water Quality Control Board and California Department of Fish and Wildlife prior to and during the construction as required by mitigation measure BIO-4 (COA 6.12.d in Attachment B).

Groundwater Availability - The project site is categorized as “all other areas” based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. A Tier 2 analysis (Attachment G) was completed by Richard C. Slade & Associates, LLC on February 9, 2017 which included a parcel specific recharge evaluation. According to the recharge evaluation, groundwater recharge at the subject property is estimated to be 17.9 AF/YR (Richard C. Slade & Associates, LLC, 2017). An existing well was constructed at the site in 2006 and is proposed as the project’s water source. According to a test conducted on February 25, 2015, it has a measured yield of 15 gpm (Richard C. Slade & Associates, LLC, 2017). According to the water analysis, the projected water use for the well for the project plus existing demand is 1.21 AF/YR. The anticipated total overall water demand for the project site would be 2.00 AF/YR representing a 0.79 AF/YR increase of the existing water demand of 1.21 AF/YR. Based on this information, adequate water would be available to serve the project because the projected water demand is below the parcel specific recharge estimation of 17.9 AF/YR. In summary, the existing yield would be sufficient to serve all uses on the property.

Wastewater - According to the Wastewater Feasibility Report (Attachment H) prepared by Delta Consulting and Engineering on January 18, 2019, 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 Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department’s Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment D. The applicant intends to implement the following GHG reduction methods at the winery: preservation of developable open space in a conservation easement; solar hot water heating; energy conserving lighting; energy star roof/living roof/cool roof; installation of water efficient fixtures; low-impact development (LID); water efficient landscape; recycle 75 percent of all waste; compost 75 percent of food and garden material; implement a sustainable purchasing and shipping program; electric vehicle charging station installation; site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave (a cave is proposed); limit the amount of grading and tree removal; education to staff and visitors on sustainable practices; use of 70 to 80 percent cover crop; and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. Any increase in emissions expected as a result of the project would be relatively modes and would be offset by the BMPs discussed above. For these reasons, project impacts would be considered less than significant.

Transportation – Crane Transportation Group prepared a *Traffic Impact Report* on January 24, 2017 (Attachment J). Existing traffic volumes at the intersection of SR 29/Diamond Mountain Road are identified in Figure 3 of the study and include 21 inbound trips and 37 outbound trips during the Friday PM peak hour (3:45 PM to 4:45 PM) and 13 inbound trips and 24 outbound trips during the Saturday PM peak hour (5:00 PM to 6:00 PM). The study found that the proposed project would result in an increase of one inbound trip and one outbound trip during Friday PM peak hour (3:45 PM to 4:45 PM) and zero inbound and one outbound trips during the Saturday PM peak hour (5:00 PM to 6:00 PM). The largest requested marketing event would have up to 125 attendees per event and occur once a year. These events would be held between 10:00 AM and 2:30 PM or after 6:00 PM and would be anticipated to generate up to 117 two-way trips. Wine cave spoils would total approximately 4,230 cubic yards of spoils. The majority of spoils would be permanently kept on site and utilized for the restoration of the pond as shown on the project plans while the remaining excess spoils would be transported off-site to a County approved location. The applicant anticipates up to two truck trips per day for spoils off-hauling during the projected eight month project construction duration. Up to 16 grape haul truck trips per year would occur, but the processing of grapes at the proposed winery now being grown on-site would eliminate approximately three to four existing grape haul trucks per year now

leaving the site (Traffic Impact Report Proposed Hard Six Cellars Winery Along the South Fork of Diamond Mountain Road in the Napa Valley, 2017). According to the study, “the project would result in no significant off-site circulation system operational impacts to SR 29 or to the SR 29/Diamond Mountain Road intersection” (Traffic Impact Report Proposed Hard Six Cellars Winery Along the South Fork of Diamond Mountain Road in the Napa Valley, 2017). The project would not degrade operation from acceptable to unacceptable at any analyzed location and/or increase peak hour volumes by one percent or greater on any segment of SR 29 already experiencing unacceptable “Without Project” operation. Implementation of mitigation measure TRANS-1 (COA 9.8.a in Attachment B), would reduce potential impacts to a less than significant level. 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.

After implementation of the proposed project, the site would be accessed via an existing driveway on the South Fork of Diamond Mountain Road. Sight distance adequacy at the project driveway was evaluated and found to be acceptable with the proposed removal of trees and brush on the east side of the South Fork of Diamond Mountain Road to the north and south of the project driveway connection. This work is shown in Figures 11 and 12 of the traffic impact report. The proposed project driveway sightlines would meet standards provided landscaping is maintained in a manner which does not interfere with these sightlines as provided in mitigation measure TRANS-2 (COA 6.12.f in Attachment B). Proposed site access, including the RSS exception, was reviewed and approved by the Napa County Fire Department, Engineering Division, and Public Works Department, as conditioned. Based on the existing volumes on the South Fork of Diamond Mountain Road and expected daily volumes at the project driveway, a left turn lane is not required at the proposed project driveway per the County’s standard left turn lane warrant.

Parking - The proposal includes the construction of four parking spaces (three (3) standard spaces and one ADA space) 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 daily activities would be 13 parking spaces. However, it is unlikely that the winery would host 16 visitors at one time and have three full-time employees and three part-time employees at the site at one time. Implementation of the TDM plan, as required by mitigation measure TRANS-1, would address parking during the proposed events by requiring the use of a shuttle bus system for events of 125 guests to transport guests from additional temporary parking along vineyard roads and along the shoulders of the winery access road. Therefore, the proposed parking would be adequate for the expected frequency of visitors and employees.

Grape Sourcing – The site currently includes four acres of vineyards with authorization to plant an additional two acres for a total of six acres of on-site vineyards. The applicant also owns four acres of vineyards on Hennessey Ridge. Based on four tons of grapes per acre, the applicant anticipates producing approximately 2,880 gallons of wine per year from the on-site fruit and a total of 4,800 gallons of wine per year from the on and off-site vineyards. As mentioned above, up to 16 grape haul truck trips per year would occur, but the processing of grapes at the proposed winery now being grown on-site would eliminate approximately three to four existing grape haul trucks per year now leaving the site (Traffic Impact Report Proposed Hard Six Cellars Winery Along the South Fork of Diamond Mountain Road in the Napa Valley, 2017). A total of approximately 15.6 grape trucks per harvest season are expected to haul fruit to the site. This equates to less than one truck trip per day during harvest. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule (COA 4.6 – Attachment B). The applicant intends to utilize 100 percent Napa County fruit.

RSS Exception - The project also includes a request for an exception to the Napa County Road and Street Standards (RSS) (Attachment E). 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

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 a reduction in commercial width, a non-standard driveway connection to the nearest public road, and for a portion of road with slopes exceeding 18 percent but less than 20 percent without transition zones (sections of road not exceeding 10 percent for 100 feet in length immediately preceding and ensuing the section of road with the roadway grade of 18 to 20 percent.) The RSS exception has been requested to preserve mature native trees on steeply sloping hillsides and to minimize the need for grading on steep slopes and within the natural watercourse surrounding the driveway.

Strict application of the requirement to improve the existing driveway, including its connection to the South Fork of Diamond Mountain Road, to current standards would result in mass grading on steep slopes in excess of 50 percent as well as grading outside of the 40-foot wide easement. Granting of the exception would minimize impacts to biological resources. As discussed in the Biological Resources section of the Initial Study/Mitigated Negative Declaration, all potential biological resources related impacts would be less than significant with implementation of mitigation measures. The County Engineering Services Division and Napa County Fire Department reviewed the request and conducted a site visit on April 25, 2018. Engineering staff, as well as, Fire Department staff recommend approval of the requested road exception, subject to recommended conditions in their memo of July 17, 2019 and September 4, 2017, respectively. The proposal has been determined to meet the same overall practical effect of the RSS while protecting the life, safety and welfare of the public by providing horizontal and vertical vegetation management, installation of a new caution sign on Diamond Mountain Road to notify drivers of the driveway intersection, vegetation clearing to improve the line of sight to and from the driveway, and improvement of all portions of the driveway not identified in the Road Exception Evaluation to meet commercial standards as defined in the NCRSS.

Exception to the Conservation Regulations – Among the purposes of the Conservation Regulations (County Code Section 18.108.010) are intentions for the County to: 1) minimize the effects of cut, fill, earthmoving, grading operations and similar activities on the natural terrain; 2) minimize soil erosion caused by human modifications to the natural terrain; 3) maintain and improve water quality by regulating stormwater quality and quantity; 4) preserve riparian areas and other natural habitat near streams; and 5) encourage development that minimizes impacts to existing land forms, avoids steep slopes and preserves existing vegetation and unique geologic features.

In order to meet the standard that a fully-loaded fire apparatus/truck maneuver the turn from Diamond Mountain Road to the project site's driveway while maintaining a minimum four-inch vertical clearance between the ground and lowest part of the truck, the existing driveway must be re-graded. A portion of the driveway to be re-graded lies within the 55-foot creek setback. The area of disturbance would be approximately 30 to 35 square feet within the creek setback. This existing driveway is the sole access to the project site and the grading of a new roadway would also result in the need for an Exception to the Conservation Regulations and would require additional grading on steep slopes and vegetation removal. The purpose of the driveway re-grading is to meet the NCRSS providing adequate emergency access to the proposed winery, as required by the Engineering Services Division and Napa County Fire Department. No disturbance to the creek would occur as the area to be re-graded lies between

Diamond Mountain Road and the top of bank. All potential impacts to biological resources were found to be less than significant with the implementation of the four mitigation measures discussed in detail under the "Biological Resources" section above.

To justify an exception to the Conservation Regulations, additional findings are necessary, including findings that the proposed project would complement natural landforms; would require minimal grading, minimal removal of vegetation, and minimal disturbance to watercourses; and would not result in significant adverse impacts to sensitive species or stormwater quality. Staff believes that the necessary findings can be made to approve the requested exception to the Conservation Regulations due to the proposed driveway's limited encroachment into the required stream setback (a 30 to 35 square foot area of disturbance) and based upon biological resources mitigation measures.

Public Comments – At the time of staff report preparation, ten public comment letters had been received in support of the project. They are included in Attachment M. A letter from the Middletown Rancheria was also received. Although it was received outside of the 30-day deadline from the initial notification (February 7, 2019) to request tribal consultation, a standard condition of approval regarding cultural resources is included within the recommended conditions of approval as well as a requirement that the applicant conduct an on-site meeting with the tribe prior to the commencement of project construction. A copy of an outreach letter sent to project neighbors from the applicant is also included.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of the project 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 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 20,000 gallon per year winery, exception request to the Roads and Street Standards and Exception to the Conservation Regulations. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. The requested visitation and marketing program is slightly above the average and the median of similar production capacity by appointment wineries. Furthermore, staff has found the grape supply is commensurate with the proposed production request, sufficient water is available to implement the project, the applicant proposes to incorporate GHG reduction measures as part of the project, and there will be no significant environmental impacts to the site given application of mitigation measures.

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 Visitation Proposal

Disposition - This option would require that the requested maximum annual visitation be adjusted to more closely match the average and the median of similar production capacity by appointment wineries. This could be accomplished by potentially reducing the maximum number of weekly visitors and/or eliminating one or more of the marketing events. If the Planning Commission elects to pursue this option, the recommended conditions of approval would need to be amended to reflect the revised visitation and marketing program.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the reduction of the visitation and marketing program. 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 the Napa County Road & Street Standard Exception request, Exception to the Conservation Regulations Use Permit request and Use Permit, 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 and exception requests are 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 & Final Agency Approval Memorandums
- C . Initial Study/Mitigated Negative Declaration
- D . Use Permit Application Packet
- E . Road and Street Standards Exception Request
- F . Use Permit Exception to Conservation Regulations Application Packet
- G . Water Availability Analysis
- H . Wastewater Feasibility Analysis
- I . Biological Resources Studies
- J . Traffic Impact Study
- K . Graphics
- L . Winery Comparison Analysis
- M . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina