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Agenda Date: 12/19/2018

Agenda Placement: 7A

## 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, Planner III - (707) 259-8757  
**SUBJECT:** Bergman Family Winery

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### **RECOMMENDATION**

#### **ST. HELENA PROPERTIES/BERGMAN FAMILY VINEYARDS / BERGMAN FAMILY WINERY / USE PERMIT # P17-00428 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, Cultural Resources and Tribal Cultural Resources. 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 8,000 gallon per year winery to allow the following: a) construction of a 6,113 square foot two-story (main roof height of approximately 32 feet) winery structure with a 485 square foot covered outdoor porch. The first floor would include a fermentation room, barrel aging area, lab, office, winery storage, restroom, and mechanical storage area while the second floor would include a second administrative office, employee break area and employee restroom. A 483 square foot utility and storage building is also proposed; b) removal of the existing storage building and approximately 4,356 square foot of vineyards; c) maximum annual permitted maximum production of 8,000 gallons; d) hours of operation: 6:00 AM to 6:00 PM (production hours, except during harvest), seven (7)-days a week; e) employment of: two employees (two full time with one residing on-site) non harvest; two additional employees (two part time) during harvest, for a total maximum of four employees; f) employee hours: 6:00 AM to 6:00 PM, two (2) shifts; g) construction of two (2) parking spaces (one (1) standard space and one ADA space); h) improvement of the existing access driveway to County standards except for the request noted below; i) upgrade the existing wastewater system and associated infrastructure consistent with County Code; and j) construction of one (1) 25,000 gallon water storage tank and one (1) 10,000 gallon process wastewater tank. No visitation or marketing events are proposed.

The project also includes a request for an exception to the Napa County Road and Street Standards (NCRSS). The request proposes an exception to the State Responsibility Area Fire Safe Regulations for the road segment from

the Bale Grist Mill gate to Stony Hill Vineyard driveway (Segment B – approximately 528 feet in length) and for the road segment from the fork in the road to the subject site entrance gates (Segment C – approximately 1,901 feet in length) to permit a road width of approximately 10 to 14 feet in various places. The RSS exception also proposes a turning radius of less than 50 feet at two locations in Segments B and C (STA 24+00 and 29+00). The RSS exception has been requested to preserve mature native trees on steeply sloping hillsides, minimize the need for grading on steep slopes, and to abide by the limitations of the existing access easement on State Park property. The Napa County RSS require that private access driveways serving winery uses provide two 10-foot wide travel lanes (20 feet total) 22 feet of horizontal clearance, 15 feet of vertical clearance, 50 foot minimum inside turning radius and a maximum 16 percent longitudinal slope. The project is located on an approximately 16.3 acre site within the AW (Agricultural Watershed) zoning district at 3285 St. Helena Highway; APN: 022-080-010.

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

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

**Applicant:** Pam and Alan Bergman; (310) 701-4300 or [pibergman@mac.com](mailto:pibergman@mac.com)

**Applicant Representative:** Donna Oldford, Plans4Wine; (707) 963-5832 or [dboldford@aol.com](mailto: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; and
3. Approve Use Permit No. P17-00428-UP based on recommended Findings 11-15 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 8,000 gallons. The winery would consist of a 6,113 square foot two-story (main roof height of approximately 32 feet) winery structure with a 485 square foot covered outdoor porch. No visitation or marketing program is proposed. Furthermore, an exception to the NCRSS is requested to to permit a road width of approximately 10 to 14 feet in various places. The exception also proposes a turning radius of less than 50 feet at two locations. All other portions of the driveway will be improved to conform to the commercial roadway requirements as outlined in the NCRSS.

Staff has reviewed the proposal and found the project to be consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. Staff has reviewed the Road and Street Standards Exception request and determined that the required findings can be met. No visitation or marketing program is requested and the applicant also proposes to incorporate GHG reduction measures as part of the project. Staff has also determined that there will be no significant environmental impacts to the site given application of the required Biological Resources, Cultural Resources and Tribal Cultural Resources mitigation measures into the project. Based upon these reasons, staff recommends approval of the project subject to the recommended conditions of

approval.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **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, cultural resources, and tribal cultural resources. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Owners:** St. Helena Properties/Bergman Family Vineyards, 1241 Adams Street, #1029, St. Helena, CA 94574; (310) 701-4300

**Applicant:** Pam and Alan Bergman, 1241 Adams Street, #1029, St. Helena, CA 94574; (310) 701-4300; [pjbergman@mac.com](mailto:pjbergman@mac.com)

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

**Zoning:** Agricultural Watershed (AW)

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

**Filed:** December 13, 2017; **Resubmittals Received:** March 21, 2018, May 31, 2018; **Deemed Complete:** September 28, 2018

**Parcel Size:** 16.3 acres

**Existing Development:** The subject site includes an existing primary residence and second dwelling unit, storage building, landscaping, pool, one (1) 46,000 gallon fire protection water storage tank, one (1) 6,000 gallon water storage tank, one (1) 8,900 gallon water storage tank, and water treatment system. Water sources for the project consist of an onsite vineyard well which provides water for the existing vineyard and landscaping and an offsite well which provides domestic water for the existing primary residence and second dwelling unit. Approximately 8.6 acres of vineyards are planted at the subject site. Access to the site is via a shared driveway from St. Helena Highway which also provides access to the Bale Grist Mill State Park, and a private access road at the fork that serves only the subject property and no other users.

**Proposed Winery Characteristics:**

**Winery Size:** Approximately 6,113 square foot two-story (main roof height of approximately 32 feet) winery structure with a 485 square foot covered outdoor porch. The first floor would include a fermentation room, barrel aging area, lab, office, winery storage, restroom, and mechanical storage area while the second floor would include a second administrative office, employee break area and employee restroom. A 483 square foot utility and storage building is also proposed.

**Production Capacity:** 8,000 gallons per year

**Winery Development Area:** 0.32+/- acres (13,850 sf)

**Winery Coverage:** 1.02 acres or 6.3% (Maximum 25% or approximately 15 acres)

**Accessory / Production Ratio:** Accessory - 939+/- sf; Production - 6,142+/- sf: The ratio equals 15.3 % (Maximum 40% permitted)

**Number of Employees:** Two (2) full time (one residing on-site) and two (2) seasonal (harvest employees)

**Proposed Visitation:** None

**Proposed Marketing Program:** None

**Days and Hours of Operation:** Monday through Sunday; Non-Harvest Production hours: 6:00 a.m.- 6:00 p.m.

**Parking:** Two parking spaces including one ADA space

**Setbacks:** Required: 20 feet from all property lines

**Proposed:** 764 feet from front property line (northern side); 20 feet side property line from eastern side; 940 feet side property line western side; and 156 feet from rear property line (southern side)

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

North: AWOS / AW / Bale Grist Mill State Park

South: AWOS / AW / Rural Residential

East: AWOS / AW / Rural Residential and Sodhani Estates Winery

West: AWOS / AW / Bale Grist Mill State Park

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

Please refer to Attachment J.

**Parcel History:**

On April 11, 2014, an Erosion Control Plan Track II replant (P14-00091) was approved for the replanting of the existing vineyard.

A building permit (B14-00695) for a replacement second dwelling unit was finalized on March 17, 2016.

**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 16.3 acre project site is located within the AW zoning district at 3285 St. Helena Highway approximately 1.75 miles northwest of St. Helena. The parcel is comprised of a developed area, approximately 8.6 acres of planted vineyards, and mixed conifer-hardwood forest. Dominant hardwood species include coast live oak, California black oak, Pacific madrone, California bay and bigleaf maple. The two dominant coniferous species are Douglas fir and coast redwood. Site topography ranges from slopes of less than five percent to slopes in excess of 30 percent within the northeast and western edges of the property. Soil types include Aiken loam, two to 15 percent slopes, Boomer gravelly loam, 30 to 50 percent slopes, and Forward gravelly, nine to 30 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 High Fire Hazard Severity. The property is surrounded by rural residential and agricultural (vineyards) uses and is adjacent to the Bale Grist Mill State Park. Nearby wineries include Beringer, San Clemente, Freemark Abbey, Morlet Estate, William Cole, Stoney Hill Vineyards, Sodhani Estate, Markham, and Charles Krug. The proposed winery building is located approximately 1,050 feet to the southwest of the nearest neighboring residence which is located at 3283 St. Helena Highway.

**Winery Proposal** – The winery would consist of a 6,113 square foot two-story structure with a 485 square foot covered outdoor porch. The first floor would include a fermentation room, barrel aging area, lab, office, winery storage, restroom, and mechanical storage area while the second floor would include a second administrative office, employee break area and employee restroom. A 483 square foot utility and storage building is also proposed. The proposed winery building would feature an agricultural architectural style with plaster with stone trim on the lower level and board-and-bat wood exterior on the upper level. Corrugated metal is proposed for the roof along with a corrugated metal cupola. State Highway 29 is identified as a Viewshed Road. However, the County's Viewshed Protection Program is not applicable to the proposed project as no construction is proposed on slopes in excess of 15 percent. The proposed winery structure would not be visible from any public roadways because of the existing site topography. According to Applied Civil Engineering, the total soil amount of off-haul from project grading is approximately 1,650 cubic yards which would result in approximately 200 truck trips during project construction. Project construction is anticipated to last six to eight months.

**Biological Resources** - According to the assessment for northern spotted owls prepared for the project by Forest Ecosystem Management on May 17, 2018, the building location of the proposed winery is within unsuitable northern spotted owl habitat due to lack of trees and presence of existing vineyard. However, the trees to be removed for the proposed driveway improvements are located along the edge of suitable marginal foraging habitat. The closest known northern spotted owl territory is located 2,570 feet from the project area. As stated in the assessment, "the removal of a few trees along the edge of the forest will not change the northern spotted owl habitat in the area." (Forest Ecosystem Management, 2018). Implementation of mitigation measure BIO-1 (COA 6.12.a in Attachment B) would reduce potentially significant impacts to a level of less than significant. As illustrated on the submitted plans, up to 19 oak trees may be removed as part of the proposed project. Retention of these oak trees was determined to be infeasible as it would prevent the use of the existing paved road alignment resulting in additional environmental impacts from further grading to create a new driveway alignment. General Plan Policy CON-24(c) requires the provision of replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. However, according to an analysis provided by Cleaver Design Associates, Landscape Architects, on May 25, 2018, replanting of trees at the subject site is infeasible because the existing conditions in the project area consist of an overcrowded mix of trees and shrubs with unsafe plant density. The property owner has preserved existing oak trees at a 2:1 ratio by removing unhealthy plants and also increased the safety of the site and adjoining properties from wildfire risks because of management of the existing tree canopy. In some cases, "the trees to be removed are clustered together and are too close to each other for healthy growth patterns, a common issue for this property." (Cleaver Design Associates, 2018).

**Cultural Resources** - A historical resources study of the property was completed by Tom Origer and Associates.

According to the study, one lithic scatter was found within the study area, but is located outside of the proposed development area and occurs within the existing vineyard area. (Tom Origer & Associates, 2018). The study entitled "Historic Resources Study of the Property at 3285 St. Helena Highway (APN 022-080-010) St. Helena, Napa County, California" provides recommendations for avoiding impacts to this resource. Implementation of mitigation measure CUL-1 (COA 6.12.b in Attachment B) would reduce potentially significant impacts to a level of less than significant.

Groundwater Availability - Water sources for the project consist of an onsite vineyard well which provides water for the existing vineyard and landscaping and an offsite well which provides domestic water for the existing primary residence and second dwelling unit, and will continue to do so post-project approval. The vineyard well would be the only well used to meet the water demands of the proposed winery. The applicant submitted a Tier 2 Water Availability Analysis (WAA) (Attachment F) completed by Richard C. Slade and Associates on March 7, 2018. It shows an existing water demand of 7.778 AF/YR. The projected water use from both wells for the project *plus* existing demand is 8.152 AF/YR. The anticipated total overall water demand for the winery project represents a 0.374 AF/YR increase of the existing water demand. However, the 1.3 AF/YR utilized for residential water use from the offsite well is excluded from the 8.152 AF/YR of demand, leaving an estimated demand of 6.852 AF/YR for the onsite vineyard well. According to the recharge evaluation, "groundwater recharge at the subject property is estimated to be 7.1 AF/YR; this value is based on the conservative estimates of rainfall recharge (0.436 AF/YR) that have been used by others for a County-approved WAA at the nearby Sodhani Winery property." (Richard C. Slade & Associates, 2018). The winery, as part of its entitlement would include a condition of approval requiring well monitoring as well as the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use. Project specific conditions of approval are also recommended (COA 6.15.a and 9.9.b) which would limit the parcel to 8.152 AF/YR per year for all groundwater consuming activities, require the preparation of a Groundwater Demand Management Program for the parcel, and the installation of water meters for *each* well serving the parcel to monitor groundwater use.

Wastewater - According to the Onsite Wastewater Disposal Feasibility Study (Attachment G) prepared by Applied Civil Engineering on December 11, 2017, the project site and proposed system upgrade 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: installation of rooftop solar panels; solar hot water heating; installation of energy conserving lighting and water efficient fixtures; recycle 75 percent of all waste; compost 75 percent of food and garden material (used at residences); project design which minimizes grading and tree removal; educate staff on sustainable practices; and minimize vehicle miles traveled by having no visitors or marketing events at the winery. The existing vineyard is already certified Napa Green Land, utilizes 70 to 80 percent cover crop, and retains biomass removed via pruning and thinning via chipping the material and reusing it rather than burning on-site.

Traffic/Site Driveway – A detailed assessment of anticipated vehicle trips for existing and proposed conditions for both harvest and non-harvest days was prepared by Applied Civil Engineering on March 5, 2018 (Attachment E). The proposed winery would add an estimated ADT of three trips per day during non-harvest days and an ADT of six trips per day during harvest. Winery deliveries, including the delivery of winery equipment, are anticipated to generate less than one trip per day on average. Up to six truck trips would be generated by the importing of fruit to the site once the winery reaches its full production capacity of 8,000 gallons per year. Based upon the project's low level of anticipated trip generation described above, impacts would be less than significant. Public Works Department staff reviewed the anticipated trip generation details and concluded 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 continue to be accessed via the shared driveway and a private driveway connecting to the project site. Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as conditioned. Although the driveway would remain at a width of approximately 10 to 14 feet in various places, this is a sufficient width to accommodate emergency vehicles, winery deliveries, and construction traffic without impacts to the adjoining Bale Grist Mill State Park.

Parking - The proposal includes the construction of two parking spaces (one standard space and one ADA space) near the winery building. 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 four parking spaces. However, one full-time employee would reside on-site and two of the requested employees would be part-time only during the harvest season.

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 State Responsibility Area Fire Safe Regulations for the road segment from the Bale Grist Mill gate to Stony Hill Vineyard driveway (Segment B – approximately 528 feet in length) and for the road segment from the fork in the road to the subject site entrance gates (Segment C – approximately 1,901 feet in length) to permit a road width of approximately 10 to 14 feet in various places. The RSS exception also proposes a turning radius of less than 50 feet at two locations in Segments B and C (STA 24+00 and 29+00). The RSS exception has been requested to preserve mature native trees on steeply sloping hillsides, minimize the need for grading on steep slopes, and to abide by the limitations of the existing access easement on State Park property. The Napa County RSS requires that private access driveways serving winery uses provide two 10-foot wide travel lanes (20 feet total) 22 feet of horizontal clearance, 15 feet of vertical clearance, 50 foot minimum inside turning radius and a maximum 16 percent longitudinal slope. As an alternative, the applicant considered utilizing Bea Lane to access the proposed winery. However, this would result in excessive grading of steep slope areas, removal of mature trees, and traversing through an existing rural residential neighborhood. Therefore, the applicant deemed this infeasible.

Strict application of the requirement to improve the existing driveway to current standards would result in mature oak tree removal on steeply sloping hillsides. It would also increase the need for grading on steep slopes.

Granting of the exception would minimize impacts to biological resources. This is important based upon the project site's close proximity to a State Park and the need to maintain the area in a natural state to the greatest extent possible. 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 a mitigation measure. While the applicant would like to implement further improvements to Segments B and C including widening and improving the turning radii, they are not able to do so because the segments of driveway are located on land owned by the State Parks. As noted in the legal constraint letter dated March 12, 2018 prepared by Perkins Cole international law firm (included within Exhibit B), the access easement is very limited and does not permit additional widening. Further, any widening completed for these two segments of driveway would require removal of mature trees in a densely forested area of the State Park on slopes that exist along both sides of the driveway in the park. The County Engineering Services Division and Napa County Fire Department reviewed the request and conducted a site visit on February 28, 2018. Engineering staff, as well as, Fire Department staff recommend approval of the requested road exception, subject to recommended conditions in their memo of April 16, 2018 and April 17, 2018, 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, minimizing average daily trips by requesting no visitation or marketing program, and installing a commercial driveway that fully complies with the 2017 NCRSS on the subject parcel to provide ingress and egress from the proposed winery to the private shared drive.

Relationship with Adjacent State Park - The proposal was referred to the California Department of Parks and Recreation for review. Two comment letters (included in Exhibit K) were received from the Department citing concerns with potential impacts to the adjacent State park regarding biological resources, cultural resources, noise, traffic, drainage, temporary construction, and access. The applicant has requested a RSS exception outlined above partially because of the State's refusal to grant permission to widen the access easement. The applicant prepared a northern spotted owl assessment, cultural resources study, and revised plans to address the State's comments. All concerns raised by the State were addressed within the environmental review document prepared for the project and found to be less than significant. No project related activities would occur on State park land.

Grape Sourcing – The applicant has indicated that recently replanted vineyard is expected to produce approximately 27 to 35 tons of fruit which equates to 4,050 to 5,250 gallons of wine (assuming 150 gallons of wine per ton of grapes). All fruit would be processed in the proposed winery eliminating 12 to 16 trips in and out to haul the fruit to an offsite location in Napa which is currently occurring. At its full requested production capacity of 8,000 gallons per year, approximately 18 to 26 tons of fruit would be hauled into the site resulting in four to six truck trips. The net reduction in truck trips to and from the site would be 10 trips. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule (COA 4.6 – Attachment B).

Public Comments – At the time of staff report preparation, comment letters from the California Department of Parks and Recreation referenced above had been received. Staff also received a comment letter from the California Department of Transportation (Caltrans) dated December 7, 2018 and included in Exhibit K.

### **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 8,000 gallon per year winery and exception request to the Roads and Street Standards. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. No visitation and marketing



activities would occur. 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 - Grant the Requested Road and Street Standards Exception Alternative for Only the Segments Impacted by the State Park

Disposition - This option would require that the existing driveway be improved to current NCRSS including a width of 20 feet with 22 feet of horizontal clearance and 50 foot minimum inside turning radius for all road segments not impacted by the State Park easement constraints. However, this alternative would result in additional grading and tree removal. The State's position on any widening of the easement for the shared driveway from the highway would also create a legal challenge for the applicant as they would be unable to make the required improvements. If the Planning Commission elects to deny the exception request for all road segments, including those impacted by the State Park, the project would be effectively denied (refer to Option 3 below) as the required access improvements could not be made to implement the project.

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 segments not impacted by State Park easement issues 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 the Napa County Road & Street Standard Exception 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 request 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 . Initial Study/Mitigated Negative Declaration
- D . Use Permit Application Packet
- E . Road and Street Standards Exception Request

- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Biological Resources Survey
- I . Graphics
- J . Winery Comparison Analysis
- K . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith