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Agenda Date: 5/3/2017

Agenda Placement: 8A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Melissa Frost for David Morrison - Director  
Planning, Building and Environmental Services

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

**SUBJECT:** Flora Springs Winery Use Permit Major Modification P15-00111

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### **RECOMMENDATION**

#### **FLORA SPRINGS WINERY / KOMES RANCH 2007, LLC / USE PERMIT MAJOR MODIFICATION NO. P15-00111 & ROAD & STREET STANDARDS EXCEPTION REQUEST**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of a mitigation measure. A mitigation measure is proposed for the area of 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 Major Modification to permit the expansion of an existing 120,000 gallon winery to allow the following: (1) Upgrading of the existing wastewater system and associated infrastructure consistent with County code to include two (2) additional 10,500 gallon domestic water storage tanks and one (1) 2,000 gallon septic tank, and dispersal field expansion requiring the removal of approximately 5,000 square feet of vineyards; (2) Increase daily tours and tastings from 65 persons per day (by appointment only), 455 person per week maximum to 100 persons per day (by appointment only), 700 visitors maximum per week; (3) A Modified Marketing Program to add the following: (a) Two food and wine lunchtime pairing events per week for groups of up to 50 guests; (b) Two food and wine dinnertime pairing events per week for groups of up to 25 guests; (c) Two wine club events per week for groups of up to 50 guests; (d) Three wine club release events per year for groups of up to 250 guests; (e) One Trilogy wine club release event per year for up to 350 guests; and (f) One wine auction related event per year for up to 60 guests; (4) On-premises consumption of wines produced on site in the outdoor marketing areas north of the tasting room and offices and north of the "red wine" building, respectively in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (5) Increase on-site employees from eight full-time employees and six part-time employees to 16 full-time employees, nine part-time employees, and seven harvest season employees; (6) Increase parking spaces from 33 spaces to 38 spaces and the use of an approximately 20,600 square foot staging area for an additional 69 spaces during marketing events; and (7) Change the winery's days of operation from Monday through Saturday to Monday through Sunday. No new

buildings or other external changes to the winery's physical facility are proposed, nor any increase in production. The project is located on a 203 acre parcel within the Agricultural Watershed (AW) and Agricultural Preserve (AP) zoning districts and is accessed via a private driveway located off West Zinfandel Lane; 1978 West Zinfandel Lane, Saint Helena, CA 94574; APN: 027-100-037.

The project also includes a request for an exception to the Napa County Road and Street Standards (RSS). The request proposes an exception to the State Responsibility Area Fire Safe Regulations to allow a reduced roadway width across the historical bridge which provides access to the existing tasting room and winery buildings because the bridge was constructed in 1902 and is a historical recorded site. The Napa County RSS require two ten (10) foot wide traffic lanes and permits a maximum longitudinal slope of 16 percent.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the exception to the Napa County RSS and Use Permit Major Modification, as conditioned.

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

**Applicant Contact:** Thomas F. Carey, P.O. Box 5662, Napa, CA 94581, (707) 479-2856

## **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 the Exception to Road and Street Standards based on recommended Findings 8-10 in Attachment A, and subject to the recommended conditions of approval in Attachment B; and
3. Approve Use Permit Major Modification P15-00111-UP based on recommended Findings 11-15 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

### **Discussion:**

This winery was initially approved by the Planning Commission on November 1, 1978 under Use Permit U-97879. The proposal is to expand the existing 120,000 gallon winery by increasing daily tours and tastings from 65 persons per day (by appointment only), 455 person per week maximum to 100 persons per day (by appointment only), 700 visitors maximum per week. A Modified Marketing Program would add the following to the existing program: (a) Two food and wine lunchtime pairing events per week for groups of up to 50 guests; (b) Two food and wine dinnertime pairing events per week for groups of up to 25 guests; (c) Two wine club events per week for groups of up to 50 guests; (d) Three wine club release events per year for groups of up to 250 guests; (e) One Trilogy wine club release event per year for up to 350 guests; and (f) One wine auction related event per year for up to 60 guests is also requested. The winery is currently permitted to be open Monday through Saturday only, but requests to be open on Sundays as part of this modification. No new buildings or other external changes to the winery's physical facility are proposed, nor any increase in production.

The project also includes a request for an exception to the Napa County RSS. The request proposes an exception to the State Responsibility Area Fire Safe Regulations to allow a reduced roadway width across the historical bridge which provides access to the existing tasting room and winery buildings because the bridge was constructed in 1902 and is a historical recorded site. The Napa County RSS require two ten (10) foot wide traffic

lanes and permits a maximum longitudinal slope of 16 percent.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Although the requested increase in marketing events exceed the average and median of similar production capacity pre-WDO wineries, potential environmental impacts were found to be less than significant, including transportation/traffic impacts. The requested maximum visitation increase is below the average and median of similar production capacity pre-WDO wineries. Sufficient water is available to implement the project and potential tribal cultural resources issues would be addressed via the implementation of a mitigation measure developed in consultation with Yocha Dehe Wintun Nation. Furthermore, the applicant proposes to incorporate additional GHG reduction methods including: implementation of a vehicle miles traveled reduction plan; installation of water efficient fixtures; and the winery is in close proximity to the Route 10 Vine Transit stop at Zinfandel Lane. The following GHG reduction methods have already been implemented at the project site: generation of on-site renewable energy; use of caves for wine storage to minimize energy use; and the organic farming of red wine grapes. Staff has reviewed the exception request to the RSS and the evidence submitted and believes the findings can be met. Based on 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 a mitigation measure. A mitigation measure is proposed for the area of 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**

**Owner:** Komes Ranch 2007, LLC

**Representative:** Thomas F. Carey, Attorney at Law, P.O. Box 5662, Napa, CA 94581, (707) 479-2856

**Zoning:** Agricultural Preserve (AP) and Agricultural Watershed (AW) Districts

**GP Designation:** Agricultural Resource (AR) and AWOS (Agriculture, Watershed, and Open Space) Designations

**Filed:** April 8, 2015

**Resubmittal Received:** December 23, 2015 and July 8, 2016

**Deemed Complete:** December 19, 2016

**Parcel Size:** 203 acres

**Existing Development:** The existing parcel consists of approximately 30 acres of vineyards. The site also includes multiple winery buildings, a tasting room, offices, landscaped areas, miscellaneous structures associated with vineyard operations, and 33 parking spaces. Other site improvements consist of three (3) 2,000 gallon process wastewater tanks and one 2,000 gallon septic tank, four 1,500 gallon process wastewater tanks, one 1,500 gallon septic tank, three 10,000 gallon fire protection tanks, and three wells.

### **Approved and Proposed Winery Characteristics**

**Winery Size- Approved and Existing:** 23,065 square feet (buildings) and 13,500 square foot cave

**Winery Size - Proposed:** No change.

**Production Capacity Approved:** 120,000 gallons per year.

**Production Capacity Proposed:** No change.

**Winery Development Area- Approved and Existing:** 65,736 square foot winery development area with uses identified above.

**Winery Development Area- Proposed:** 66,102 square feet.

**Winery Coverage Approved:** 123,623 square feet or approximately 1.5%.

**Winery Coverage Proposed:** 133,153 square feet or approximately 1.8%. (Maximum 25% or approximately 15 acres permitted).

**Accessory/Production Ratio Approved:** 13,875 square feet accessory/49,319 square feet production - approximately 28.1%.

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

**Number of Employees Approved:** Eight full-time and six part-time.

**Number of Employees Proposed:** 16 full-time, nine part-time, and seven harvest employees.

**Visitation - Approved:** 65 visitors per day by appointment only and 455 visitors per week.

**Visitation - Proposed:** Maximum of 100 visitors per day by appointment only and 700 visitors per week.

**Marketing Program- Approved:** Authorized events per year include: (a) Four food and wine pairings (lunch) per month for up to 25 guests; (b) One food and wine pairings (dinner) per month for up to 25 guests; (c) Two wine club events per month for up to 50 guests; (d) Three wine release events per year for up to 250 guests; (e) One wine club event per year for up to 350 guests; and (f) One auction related event per year for up to 30 guests.

**Marketing Program- Proposed:** A Modified Marketing Program to add the following to the marketing program described above: (a) Two food and wine lunchtime pairing events per week for groups of up to 50 guests; (b) Two food and wine dinnertime pairing events per week for groups of up to 25 guests; (c) Two wine club events per week for groups of up to 50 guests; (d) Three wine club release events per year for groups of up to 250 guests; (e) One Trilogy wine club release event per year for up to 350 guests; and (f) One wine auction related event per year for up to 60 guests. Total events permitted under modified marketing program would be 317 per year versus 169 events per year currently allowed.

**Days and Hours of Operation- Approved:** 7 AM to 5:00 PM daily (production hours) and 10:00 AM to 6:00 PM Monday through Saturday (visitation hours). All events to conclude by 10 PM.

**Days and Hours of Operation- Proposed:** 7 AM to 5:00 PM daily (production hours) and 10:00 AM to 6:00 PM Monday through Sunday (visitation hours). All events to conclude by 10 PM.

**Parking- Approved:** 33 parking spaces.

**Parking- Proposed:** 38 parking spaces and the use of an approximately 20,600 square foot staging area for an

additional 69 spaces during marketing events.

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

North: Agricultural Resource (AR)/Agricultural Preserve (AP) and Agricultural Watershed (AW) zoning/agricultural use (vineyards) and large lot residential

South: Agriculture, Watershed, and Open Space (AWOS) and AR/AP and AW zoning/agricultural use (winery and vineyards)

East: AR/AP zoning/agricultural use (vineyards) and large lot residential

West: AWOS/AW zoning/rural residential use

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

Please refer to Attachment L.

**Parcel History:**

On November 1, 1978, the Komes family received approval of Use Permit #U-97879 to reactivate an existing winery building for production, storage and sale of wine on a 203 acre parcel. That approval was followed by Use Permit Modification #U-447980, approved on September 3, 1980, to increase the production capacity of the winery from 3,000 to 60,000 gallons per year. On July 12, 1989, the winery received approval of Use Permit #U-97879 (Modification #2) to increase production capacity from 60,000 to 120,000 gallons per year and authorize the construction of a 4,100 square foot visitor center/winery office building and the provision of tours and tastings at the winery by prior appointment. The conditions of approval and mitigation measures of Modification #2 state that the number of "visitor-carrying vehicles" entering the winery property shall be limited to 25 per day and that the number of "visits by bus" (defined as diesel bus, 3 axle, 10 wheel) shall be limited to 2 round trips per day and 10 within any 30-day period. This is equivalent to approximately 65 visitors per day and 455 visitors per week. No marketing activities were identified or authorized at this time.

Between 1996 and 2005, a number of use permit modifications authorized further changes to the winery's production facilities. In addition, Use Permit Modification #95161-UP, approved on January 17, 1996, incorporated the Winery Definition Ordinance's definition of marketing activities (Napa County Code Section 18.08.370) and limited food service at the winery to occasional catered private events. Under Condition of Approval No. 2 of Use Permit #95161-UP, traffic related to the occasional catered private events is included in the limitation of 25 visitor carrying vehicles per day entering the winery property identified above.

**Code Compliance History:**

A code compliance case was opened on June 26, 2014 in response to complaints regarding illegal events being conducted at the subject site. However, the case was resolved on June 1, 2015 when the property owners agreed to discontinue the unpermitted events at the winery. No further complaints have been received. The Notices of Violation are included within Attachment C.

**Discussion Points:**

Setting - The 203 acre parcel is located at the western terminus of West Zinfandel Lane, approximately one half mile west of its intersection with State Highway 29 within the AW and AP zoning districts. Site topography ranges from 0-15 percent within the vineyard area to slopes in excess of 30 percent within the western portion of the subject site. The soils on site consist primarily of Forward Gravelly Loam and Maxwell Clay. The parcel is developed with multiple winery buildings, a tasting room, offices, landscaped areas, miscellaneous structures

associated with vineyard operations, and 33 parking spaces. Other site improvements consist of three 2,000 gallon process wastewater tanks and one 2,000 gallon septic tank, four 1,500 gallon process wastewater tanks, one 1,500 gallon septic tank, three 10,000 gallon fire protection tanks, and three wells.

The winery property is surrounded by vineyards and scattered rural residential uses. Dana Estate Winery lies immediately south of the winery property on Cabernet Lane. The Inglewood Village commercial complex, Press Restaurant, Dean and Deluca, Hall Winery, the Sutter Home Winery Visitor Center, Louis Martini Winery, and various other commercial businesses and residences operate in proximity of the winery, north of the intersection of State Route 29 and West Zinfandel Lane. The main winery building is located approximately 1,375 feet from the nearest neighboring residence. The project site is located outside the boundaries of the 100 and 500 year flood hazard zones with the exception of a small area within the 100-year flood zone which traverses the eastern boundary of the site. Native vegetation of the site includes agriculture; hardwood forest/woodland; and coniferous forest/woodland; most of the site is disturbed and primarily planted with vineyards and developed with winery structures.

Flora Springs operates a tasting room at 677 South St. Helena Highway within the commercial area comprising Press and Dean and Deluca. Use Permit # 94280-UP was approved on November 1, 1995 authorizing construction of an 800 square foot wine tasting room within the existing 1,600 square foot structure. No maximum visitation allowance was established although application materials indicate an anticipated 200 visitors per day on the busiest day. A subsequent use permit modification (#96527-MOD) was approved on May 9, 1997 and authorized the relocation of the previously approved wine tasting room to an existing 3,000 square foot space.

Winery Proposal - The proposal is to modify an existing winery to permit an increase in the maximum number of daily and weekly visitors by appointment. A modified marketing program and authorization to host tastings and marketing events on Sundays is also requested. Two conditions of approval and two mitigation measures included in the approval of Use Permit #U-97879 (Modification #2) in 1989 related to visitor traffic and bus traffic are proposed for modification. These changes are reflected in the project's recommended conditions of approval (Attachment B). The project includes a request for an exception to the Napa County RSS. The request proposes an exception to the State Responsibility Area Fire Safe Regulations to allow a reduced roadway width across the historical bridge which provides access to the existing tasting room and winery buildings because the bridge was constructed in 1902 and is a historical recorded site. The Napa County RSS require two ten (10) foot wide traffic lanes and permits a maximum longitudinal slope of 16 percent.

Visitation/Marketing Program - As shown in Attachment L, the proposed visitation increase is below the average and median calculations for pre-WDO wineries with similar sized permitted production capacity. However, the increased visitation request significantly exceeds both the average and median calculations for appointment only visitation wineries with similar sized permitted production capacity. The proposed modified marketing program significantly exceeds both the average and median calculations in terms of annual permitted marketing visitors and number of events for both pre-WDO and by appointment wineries with similar authorized production capacity size. The proposed visitation increase could result in a maximum of 36,400 tastings per year, but it is very unlikely that the winery would host 100 visitors for 365 days per year. Based on a current permitted maximum of 65 visitors per day and 455 visitors per week, the winery may host 23,660 tastings per year. Given the potential to have more than 100 visitors per day if marketing events as proposed are held during daily by appointment visitation hours of the winery, staff is recommending language under COA 4.2 that would limit the total number of visitors to the winery to no more than 100 persons per day inclusive of Type 1, 2, 3 and 4 marketing events. Staff also recommends that no daily tastings be scheduled when 250 and 350 person marketing events are scheduled.

Although staff is supportive of the proposed visitation and marketing program modification based on the lack of potentially significant impacts identified in the project's environmental document, a reduced project alternative which would scale back the requested visitation and marketing program is included for Commission consideration below under the Decision Making Options section of this report.

Road and Street Standards Exception - A request for an exception to the Napa County RSS was submitted by Bartelt Engineering in May 2016 (Attachment G). The request proposes an exception to the State Responsibility Area (SRA) Fire Safe Regulations to allow a reduced roadway width across the historical bridge which provides access to the existing tasting room and winery buildings because the bridge was constructed in 1902 and is a historical recorded site. The Napa County RSS require two 10-foot wide traffic lanes with 1-foot wide shoulders and permits a maximum longitudinal slope of 16 percent.

The County Engineering Division has discussed the request with the Napa County Fire Department and has conducted a site visit. Engineering staff recommends approval of the requested road exception, subject to recommended conditions in their memo of April 13, 2017. The historic bridge is abutted on both ends by a 20-foot wide driveway which meets the County's RSS. An evaluation of the bridge's condition was conducted as part of the exception request by Morris Engineering. According to the report, "based on visual review and measurements, it is our opinion that both bridge superstructures are currently capable of safely providing access for HS20-44 trucks to the winery" (*Opinion of Bridge Condition for Two Existing Bridges Across an Unnamed Creek for Access to Flora Springs Winery and Vineyards in Saint Helena, Napa County, CA, 2016*). Disapproval of the exception request would likely require destruction of the existing historical bridge and the construction of a new bridge across the existing blueline stream and associated environmental impacts.

To approve a RSS Exception request, the Planning Commission must find that the project satisfies essentially three requirements: 1) The exception will preserve the unique features of the environment, which includes, but is not limited to, natural water courses, steep slopes, geologic features, heritage oak trees, other trees of at least 6" dbh and found by the decision maker to be of significance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences, or the like; 2) The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints; and 3) Find that the exception, as conditioned, provides the same overall practical effect as the RSS toward providing defensible space, and consideration toward life, safety and public welfare. Proposed alternative improvements include the installation of signage cautioning larger vehicles of the localized narrowing at the bridge. The signage would address weight and/or vertical clearance limitations. The Engineering Services Division and the Fire Department have reviewed the proposed request and support the applicant's proposal, recommending approval of the exception.

Traffic and Parking - W-Trans prepared a *Traffic Impact Study* on February 2, 2016. Existing project trips are identified in Table 9 of the study and include 10 inbound trips and 28 outbound trips during the weekday PM peak hour (4:00 PM to 6:00 PM) and 18 inbound trips and 17 outbound trips during the weekend midday peak hour (2:00 PM to 4:00 PM). The study found that the proposed project would result in an increase of two inbound trips and nine outbound trips during weekday PM peak hour (4:00 PM to 6:00 PM) and five inbound and six outbound trips during the weekend midday peak hour (2:00 PM to 4:00 PM). The requested additional marketing events would have up to 350 attendees at the largest event which would occur one time a year. These events would typically be held in the evenings on weekends and would be anticipated to generate 290 two-way trips. Cumulative operating conditions were determined by the calculating the project's percentage contribution to the total growth in traffic from existing conditions.

The Traffic Impact Report prepared for the recently approved Raymond – Ticen Ranch Winery project concluded that the intersection of SR 29/Zinfandel Lane operates at LOS E during Friday and Saturday PM peak hours (*Traffic Impact Report Raymond – Ticen Ranch Winery, 2016*). However, the traffic counts for that study were conducted in August (harvest) while the traffic counts for the Flora Springs project were conducted in June. As a result, the traffic volumes for the Raymond – Ticen Ranch Winery study were higher.

According to the study, the study intersection of SR-29/Zinfandel Lane is expected to continue to operate acceptably under Existing and Existing plus Approved conditions without and with project-added trips. The intersection is

expected to operate unacceptably under Future conditions and Future plus Project conditions. Because project trips account for less than one percent of future volumes, this impact is considered less than significant (*Traffic Impact Study for Flora Springs Winery, 2016*). Public Works staff evaluated the potential impacts of the recently approved Raymond – Ticen Ranch Winery project when included in the analysis of this project and found it would not change the conclusions reached in the traffic study prepared for the project. The addition of the Raymond – Ticen Ranch Winery project driveway onto SR 29 is anticipated to slightly improve the level of service at the SR-29/Zinfandel Lane intersection. The proposed changes to the existing conditions would generate a net increase of 42 daily trips, including 11 weekday PM peak period trips and 11 weekend midday peak period trips. Therefore, the project would result in a nominal increase in trips on the study roadways. Impacts would be less than significant.

After implementation of the proposed project, the site would continue to be accessed via the existing driveway on Zinfandel Lane. The winery is currently accessed by a private driveway that connects to Zinfandel Lane where it terminates. According to the traffic impact study, there is no need to evaluate the sight distance because of the driveway alignment which does not provide for right or left turns. All visitors and employees continue to drive straight on Zinfandel Lane until it becomes the project driveway. Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as conditioned (refer to Engineering Services Division memorandum dated April 13, 2017 and Fire Department memorandum dated April 20, 2015).

The project site includes 33 existing parking spaces and proposes an additional five parking spaces for a total of 38 parking spaces. The project also proposes the use of an approximately 20,600 square foot staging area for an additional 69 spaces during marketing events. 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 62 parking spaces. However, it is unlikely that the winery would host 100 visitors at one time.

Groundwater Availability - The project is categorized as being partially 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 (WAA) policies. Based upon those criteria, the Allowable Water Allotment for the area of the project site located within the Valley Floor (32.7 acres zoned AP) is 32.7 acre-feet per year (af/yr), determined by multiplying the 32.7 acre Valley floor area by a one AF/YR/acre fair share water use factor. The remainder of the parcel is considered “all other areas” based upon current County WAA policies and therefore water use criteria is parcel specific. A Tier 1 analysis was completed by Bartelt Engineering in May 2016 which included a parcel specific recharge evaluation. According to the recharge evaluation, the estimated annual recharge for the remaining area of the subject parcel zoned AW (170.3 acres) located in All Other Areas is estimated to be 16.3 AF/YR while the potential groundwater available during a typical dry year (2013) is 10.3 AF/YR (*Water Availability Analysis for the Flora Springs Winery, 2016*). The winery well is located within the AW zoning district while the vineyard well and well 2 are located within the AP zoning district. Existing water demand for the site is 34.05 AF/YR. The Water Availability Analysis concluded that sufficient water would be available to serve the proposed project. According to the Water Availability Analysis, a total future demand of 34.12 AF/YR, representing a 0.07 AF/YR increase, would be required to serve the site which is below the parcel’s estimated water recharge and allowable water allotment noted above. 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. Impacts would be less than significant as there is sufficient water supply available to serve the proposed project.

Wastewater - According to the Wastewater Feasibility Study prepared by Bartelt Engineering in May 2016, the project site and proposed system has adequate disposal capacity to serve the project. The study concluded that “sanitary wastewater generated as a result of the proposed staffing and marketing plan increase for the existing 120,000 gallon winery can be feasibly accommodated by expanding the existing pressure distribution system. There is adequate room for the installation of a new sanitary septic tank and new leach line laterals which will



allow Flora Springs Winery to host marketing events while maintaining Napa County Standards for their wastewater system” (*Wastewater Feasibility Study, 2016*). The Division of Environmental Health reviewed this report and concurred with its findings.

Cultural Resources/Tribal Cultural Resources - According to a “Cultural Resources Evaluation of the Proposed Wastewater System Expansion and Other Improvements, Flora Springs Winery 1998 West Zinfandel Lane, St. Helena, Napa County, California” prepared by William Roop, Archaeological Resource Service on December 14, 2015, “it can be concluded that at least one archaeological site, and perhaps two, will be impacted by the proposed project. Previous work has demonstrated the presence of potentially significant archaeological sites flanking the project location. Disturbance to these sites as part of ongoing agricultural operations has blurred the distinction between these sites. Observation and mapping of sub-plow zone deposits could clarify the pre-agriculture locations of these deposits.” As recommended in the cultural resources evaluation, implementation of mitigation measure CUL-1 (refer to MMRP included within Attachment D for additional details) would reduce potential impacts to a level of less than significant. If resources are found during any earth disturbing activities, such as the removal of approximately 5,000 square feet of vineyards for the proposed dispersal field expansion, associated with the project, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with the County's standard condition of approval (COA No. 7.2).

Invitation for tribal consultation was completed pursuant to AB 52 and one response was received from the Yocha Dehe Wintun Nation. A site visit was conducted with tribal representatives on December 1, 2016 and a letter was received from Yocha Dehe Wintun Nation dated December 13, 2016 noting that the tribe is aware of known cultural resources near this project site and that a tribal cultural monitor is recommended during project construction. This requirement is included within mitigation measure CUL-1.

Bocce Ball Courts - The existing bocce ball courts shown on the site plan adjacent to the landscaped area east of the winery between the parking lot and the vineyard are intended for "employee use only" according to the applicant. Staff and the applicant were unable to locate any previous approval for the courts.

The County does not have a specific policy or guideline concerning use of bocce ball courts at wineries. Such uses must be considered on a case-by-case basis, where consistent with the provisions of the Winery Definition Ordinance for accessory uses. General Plan Policy AG/LU-27 states: "For the purposes of this General Plan, the terms "urbanized" or "urbanizing" shall include the subdivision, use, or development of any parcel of land for non-agricultural purposes. Engaging in nature-based recreation or agriculturally compatible uses that are permitted in the applicable zoning district without the issuance of a use permit, such as development of one single-family house and/or second unit on an existing legal lot, shall not be considered urbanizing."

The Commission has allowed outdoor recreational uses in association with wineries previously, such as the gardens at Raymond and Duckhorn Wineries, or the water feature at Alpha Omega. Lawns and other ornamental landscaping are regularly included as outdoor hospitality areas. Applicants typically request approval of outdoor marketing areas for picnicking, in accordance with State law. With regards to bocce courts specifically, the Commission has considered them on a case-by-case basis, allowing them at Bell Winery, but not allowing them at Summers Winery.

Bocce ball has a strong tradition within Napa Valley. A single court is compact (less than 1,200 square feet) and the activity is generally passive, compared to more intense outdoor recreational uses. In the context of this application, the winery site is fairly remote, with no off-site residences in close proximity. The bocce ball courts appears to be a modest and reasonable feature within the overall project design. As a result, staff recommends that the existing courts be allowed to remain.

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 F. As discussed above, the applicant proposes to incorporate additional GHG reduction methods including: implementation of a vehicle miles traveled reduction plan; installation of water efficient fixtures; and the winery is in close proximity to the Route 10 Vine Transit stop at Zinfandel Lane. The following GHG reduction methods have already been implemented at the project site: generation of on-site renewable energy; use of caves for wine storage to minimize energy use; and the organic farming of red wine grapes.

Grape Sourcing - No change in the winery's production capacity is requested as part of this application. As a pre-WDO winery, the existing production capacity of 120,000 gallons is not subject to the 75% rule.

Public Comments - At the time of staff report preparation, one letter raising concerns with the proposal's intensity and potential traffic impacts and one letter in support of the project had been received. Both letters are included as Attachment E.

### **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 modifications to the 120,000 gallon per year winery. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Potential environmental impacts were found to be less significant. Adequate water is available to implement the project and all environmental impacts were determined to be less than significant with the implementation of the recommended mitigation measure. The applicant also proposes to incorporate additional GHG reduction methods beyond those reduction measures which have already been implemented at the site.

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 with the implementation of the mitigation measure for cultural resources/tribal cultural resources.

#### Option 2 - Reduced Project Alternative

Disposition - This option would reduce the scope of the project via a reduced 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 a reduction in the requested 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 a Use Permit modification and exception to the County's RSS, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the

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Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required - Commission would take tentative motion to deny 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 and Notices of Violation
- D . Initial Study/Mitigated Negative Declaration
- E . Public Comments
- F . Use Permit Application Packet
- G . Exception to Napa County Road and Street Standards Packet
- H . Water Availability Analysis
- I . Wastewater Feasibility Study
- J . Traffic Study
- K . Graphics
- L . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Melissa Frost