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Agenda Date: 7/1/2020

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: Wyntriss Balcher, Planner II - 707 299-1351
SUBJECT: Alta Napa Valley Use Permit & Variance #P19-00372-UP & P19-00373-VAR

RECOMMENDATION

FRED OLIAI / ALTA NAPA VALLEY VINEYARDS / USE PERMIT #P19-00372-UP AND VARIANCE #P19-00373-VAR

CEQA Status: Consideration and possible adoption of Categorical Exemptions, Class 3 and Class 4. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15303, Class 3, New Construction or Conversion of Small Structures and Section 15304, Class 4, Minor Alterations to land]. See also Napa County's Local Procedures for Implementing the CEQA, Appendix B, Class 3(10), construction and operation of small wineries. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a use permit to establish a new 10,000 gallon/year winery to allow: (1) construction of a 3,689 ft² winery building with a residence above; (2) three full and part-time employees; (3) tours and tastings by appointment for a maximum of 10 visitors/day; (4) a Marketing Plan to include 4 small marketing events/year, for a maximum 25 guests at each event; (5) on-site consumption of wines produced at the winery; (6) construction of seven parking spaces; (7) the installation of wastewater treatment facilities; and, (8) six 10,000 gallon water storage tanks for fire protection and irrigation. The proposal also includes a Variance request, to allow construction of the proposed wine production building ± 114 feet from Silverado Trail, in lieu of the required minimum 600-ft winery setback. The project is located on an approximately ± 22.65 acre site within the AP(Agricultural Preserve) zoning district, the west side of Silverado Trail, $\pm 1/3$ miles north of its intersection with Trancas Street, Napa, 2125 Silverado Trail, Napa. APN 039-270-005

Staff Recommendation: Find the project Categorically Exempt from CEQA, approve the Variance request, and approve the Use Permit Modification, as conditioned.

Staff Contact: Wyntriss Balcher, Planner II, (707) 299-1351 or wyntriss.balcher@countyofnapa.org

Applicant Contact: Joshua Devore, (707)-252-7122; jdevore@dpf-law.com.

EXECUTIVE SUMMARY**Proposed Actions:**

That the Planning Commission:

1. Find the project Categorical Exempt from CEQA based on Findings 1-3 of Attachment A;
2. Approve Variance #P19-00373-VAR based upon proposed Findings 4 through 8 of Attachment A; and
3. Approve Use Permit #P19-00372-UP based upon proposed Findings 9 through 13 of Attachment A; and subject to the recommended conditions of approval in Attachment B.

Discussion: The applicant is requesting approval of a use permit to establish a new 10,000 gallon/year estate winery with the demolition of the existing residences and carport; the construction of a ±3,689 ft² winery building with a separate residence on the second floor; operation by the two owners (full-time) and one part-time employee; 10 by-appointment visitors/day, 70/week; a Marketing Plan to include 4 small marketing events/year, for a maximum 25 guests; a request for on-site consumption of wines produced at the winery; the construction of seven winery-related parking spaces; and installation of wastewater treatment facilities. The proposal also includes a Variance request to allow construction of the proposed wine production building ±114 feet from Silverado Trail, in lieu of the required minimum 600-ft winery setback. Applicant has demonstrated that the 600-foot Silverado Trail setback requirement for wineries presents a substantial hardship on the applicant that similar properties in the AP zoning classification are not subjected to because the majority of Applicant's property is located in the Napa River Floodway.

Staff has reviewed the variance request and the evidence submitted and believes the findings required for a variance can be made. Staff is recommending approval for the following reasons: 1) the proposed project, as conditioned, is consistent with the Napa County Zoning Ordinance and applicable General Plan Policies; 2) the project will be constructed on the same footprint of the existing development; 3) there is existing direct access to Silverado Trail, with separation between the agricultural access and winery access; 4) the proposed visitation levels are appropriate for the site and are consistent with the levels granted to similar sized wineries; 5) and, the proposed marketing level is less than the marketing levels granted to similar-sized wineries. Considering all of the enumerated reasons, staff finds that the project meets all County Code requirements and complies with General Plan Policies.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Categorical Exemptions, Class 3 and Class 4. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15303. New Construction or Conversion of Small Structures Class 3 and 15304 Minor Alterations to land Class 4] which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303 and §15304. See also Napa County's Local Procedures for

Implementing the CEQA, Appendix B, Class 3(10), construction and operation of small wineries. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Fred Oliai; 1988 Thousand Oaks Blvd, Berkeley CA 94707; (510)-610-6069; fred@altawinery.com

Representative: Joshua Devore; 1455 First, Ste. 301, Napa, CA 94559; (707) 252-7122; jdevore@dpt-law.com

Architect: MH Architects (415) 977-0194; matt@matthollis.com

Zoning District: Agricultural Preserve (AP)

General Plan Designation: Agricultural Resource (AR)

Filed: September 12, 2019; **Complete:** May 18, 2020

Parcel Size: ±22.65 acres

Existing Development: 15 acres in vineyard, two single family residences, carport, sheds, and an agricultural barn with two direct access driveways to Silverado Trail, the southern driveway proposed for agricultural access only.

Winery Characteristics:

Winery Size (Proposed): ±3,689 ft², plus a ±1,471 ft² covered outdoor production area, 28-ft in height.

Production Capacity (Proposed): 10,000 gallons/year

Development Area (Proposed): 6,734 ft²; 0.15 acres

Winery Coverage (Proposed): ±30,073 ft², 0.69 acres or 3%
(Maximum 25% or 15 acres)

Accessory/Production Ratio (Proposed): ±1,436 ft²/±3,725 ft² = 38.5%
(Maximum 40% allowed)

Number of Employees (Proposed): Three (owners (two full-time) and one part-time employee)

Visitation (Proposed): 10 visitors/day; 70/week

Marketing Program (Proposed): Four Small Marketing Events, Maximum of 25 guests; 6:00pm -9:00 pm, clean up by 10:00 pm. No tastings will occur on event days.

Days and Hours of Operation (Proposed): 7:00 am - 7:00 pm (production); 10:00 am – 7:00 pm (hospitality);
Monday – Sunday

Parking (Proposed): Seven spaces, including one ADA accessible space

Setbacks (Required): 600 feet

Setbacks (Proposed): 114 feet (486 ft. encroachment)

Adjacent General Plan Designation/Zoning District/Land Use:

North: Agricultural Resource (AR)/Agricultural Preserve (AP)/Agriculture (strawberry stand), residential

South: AR /AP / agriculture, residential, veterinary clinic

West: City of Napa /open space-park

East: AR /AP/ agriculture, winery

Nearby Wineries Located within one mile of the project:

Please refer to Attachment J.

Parcel History: The property has had a long history of agricultural development associated with the orchard industry and the development of diverse agriculture in the Napa Valley in the late 19th through the 21st centuries, according to the Historic Resource Evaluation prepared for the project by Lilly Bianco (February 7, 2020). The historic resource evaluation was prepared because the project involves the removal of the two residences, a carport and a shed. The more modern house, carport, and shed to be removed do not meet the minimum (45 years) age eligibility for listing on the California Register of Historical Resources (CRHR), therefore the evaluation focused on the farmhouse. It was determined that the farmhouse was only a modest example of the side-gable stick frame vernacular residence type typical of California properties, but has undergone a series of modifications that have altered its design, proportions, and form such that it doesn't appear to exhibit architectural significance.

Code Compliance History: There are no code compliance records on file.

Discussion Points:

Setting—The project property is level land, ±22.65 acres in area, bordered on the west by the Napa River and on the east by Silverado Trail and Hardman Creek, approximately ±1/3 mile north of the intersection of Silverado Trail and Trancas Street. The property has direct access to Silverado Trail at two driveway entrances. Development on the property includes vineyard (±15 acres), two single family residences, a carport, a barn and a shed. Adjacent land uses are rural, with vineyards and a winery to the east; a residence with agriculture, including a popular fruit stand to the north; a residence and a veterinary clinic to the south, and a City of Napa park (Trancas Crossing) at the city boundary and property line to the west. The property is located within the Napa River floodway, except for the northeastern corner of the property. The existing development area is on this corner of the property, which is located within the 100 year flood hazard zone for Hardman Creek. The property is planted in ±15 acres of vineyards. There is a stand of riparian vegetation along the Napa River on the west property line. Rows of trees on the northerly property line provide separation between the properties and provide screening from the adjacent residence. The distance from the proposed winery to the closest residence is ±290 feet north of the winery site.

Winery Proposal- The applicant is requesting approval of a use permit to remove the existing two residences and carport and to establish a new 10,000 gallon/year estate winery with the construction of new a ±3,689 ft² winery building. The owner plans to replace one of the residences with a new 3,572 ft² residence located on the second story of the winery building. The residence will not have direct access into the winery building. The existing agricultural barn will remain to serve the agricultural activities on the property. The proposed two-story winery structure will be a total of 28 feet in height, and the renderings display a modern industrial style design, with light brown earth-tone walls and gray trimmings (Please refer to Attachment I). The project also includes six 10,000 gallon water storage tanks for fire protection and irrigation.

Setback Variance Request - A variance is requested in connection with the use permit to allow the winery to be located 114 feet from Silverado Trail, encroaching into the 600-ft. winery setback by 486 feet. The applicant

provided evidence to show that the 600-foot winery setback requirement presents a substantial hardship on the applicant that similar properties in the AP zoning classification are not subjected to because the majority of applicant's property is in the Napa River Floodway, which imposes substantial burdens on development and possibly makes the winery development impossible. The applicant plans to build the house and Winery in one structure in the only available portion of the property that is not in the Floodway but is located within the Hardman Creek 100-year Flood Hazard Zone AE. Were it required to meet that setback requirement and develop a separate winery building on the property in the Floodway, the costs attendant to that separate construction and extensive Floodway construction requirements would render the project unviable and would essentially prohibit the project. It is also significantly more likely that a proposed project in the Floodway would not be approved, depriving the applicant of its ability to use the property in a manner that same-zoned properties can given that they are not restrained by the Floodway. The applicant has presented a discussion to support the findings for the variance, attached to the staff report (Please refer to Attachment E).

Variations must satisfy the criteria in Government Code Section 65906 and County Code Section 18.128.060. Generally, the findings for a variance must meet each prong of a three-prong test to satisfy the statutory requirements together with additional local findings contained in the County Code. An applicant must demonstrate that: 1) they will suffer practical difficulties and unnecessary hardships in the absence of the variance; 2) these hardships result from special circumstances relating to the property that are not shared by other properties in the area; and 3) the variance is necessary to bring the applicant into parity with other property owners in the same zone and vicinity. In addition, an applicant must show that the proposed variance will not be contrary to public interest, safety, health, and welfare. To approve a variance, the Planning Commission must make all five of the required findings listed below.

Finding 1) *The procedural requirements set forth in Chapter 18.128 of the Napa County Code have been met.*

Staff Comment: The applicant submitted an application, which is presented to the Planning Commission in accordance with the requirements of Chapter 18.128. This requirement has been met.

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

Staff Comment: The parcel on which the proposed winery sits is bordered by Silverado Trail and the Napa River. All but a small corner of the property—where the existing development is located and new structure proposed—lies within the Floodway of the river. The parcel is thus atypical of its neighbors even on the same portion of Silverado Trail but on the opposite side of the street. For example, Judd's Hill Winery, located across Silverado Trail and just to the north, but setback 600 feet from the roadway, has no such restrictions from the Floodway, as the Floodway is only on the west side of Silverado Trail. Thus, the property is unique, in that its neighbors on the east side of Silverado Trail can meet the requirements without impacting the Floodway, while the Alta Napa Valley Winery (Alta) could not. As such, a variance is appropriate and required to allow the applicant to build the Winery portion of its building outside of the Floodway.

Nearby parcels that are similarly situated to Alta between Silverado Trail and the Napa River likewise feature winery structures located farther from the river and closer to Silverado Trail. For example, Luna Vineyards' parcel (approximately one mile north from the subject parcel on the west side of Silverado Trail) too is between the Napa River and Silverado Trail. Avoiding the river required the Luna winery to be closer to Silverado Trail—significantly closer to the road (less than 80-feet from the centerline) than the proposed Alta Winery. Yet, unlike Luna, Alta has a small portion of its property that is not in the Floodway. As such, with a variance it can avoid significant construction that would impact the Floodway or risk loss by being placed therein. Thus, Alta would only be similarly situated to other wineries in the area by the grant of the variance, not granted any special privilege, and asks to be afforded the ability to construct a winery facility while avoiding impacts on the Floodway.

The parcel is also atypical of similarly zoned parcels located slightly further north on Silverado Trail where the elevation brings the road further above the Napa River and its Floodway. As such, the 600-foot winery setback, which on a typical, similarly sized parcel would not create location issues for a winery, when applied to this unique parcel, would force a winery building to be built in the Floodway. It would also force the applicant to remove developed vineyard, replacing active agricultural land with a new structure. The strict application of the winery setback rule to this parcel would deprive the applicant of the ability to build outside of the Floodway, creating an unnecessary hardship on the applicant and undermining the County's Floodplain Management regulations.

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

Staff Comment: Absent granting such a variance, both the environment and the applicant will suffer genuine and unnecessary hardship. The applicant would be unable to utilize the property to its full potential without impacting the Floodway. The parcel is planted in approximately 15 net acres of vines. In order to make estate wine on the parcel, it needs to build a winery on the property. The applicant wants to minimize the impact of the winery on the environment, and as such, in order to preserve their enjoyment of their property rights, need relief from the provision that would otherwise force them to build their winery in the Floodway. The parcel has a relatively small buildable area located outside of the Floodway, which is the only portion of the property that has been built upon in light of the restrictions. This one corner of the property is noticeably elevated from the remainder of the property, raising it out of the Floodway. These hardships are not shared by other properties in the area because they are situated in ways that allow them to operate outside of the Floodway while meeting setback requirements or, alternatively, are located entirely in the Floodway where such impact is unavoidable.

Requiring the applicant to build a second, stand-alone winery building on the property located in the Floodway in order to operate is unnecessary, is contrary to the intent of the Floodplain Management regulations, could impact the Floodway and would place a zoning technicality above the best interests of the County and the property owner. The costs attendant thereto would be prohibitive, estimated at nearly a million additional dollars in costs and vineyard destruction just to comply with the Floodway regulations and construct the proposed structure near the river in the existing vineyard, even if only one structure were still to be built (See RSA+ letter, dated March 23, 2020; Attachment E). But because the required Silverado Trail Setback (90 feet from the centerline) for the house, and because the Oliai family would not desire nor be required to build their home in the Floodway in any event, the costs would increase by nearly \$2.5 million, as two structures would need to be built instead of the one proposed combined-use building now (See MH Architects memo dated March 12, 2020 and accompanying alternative site plan; Attachment E). The costs of building a separate winery building in the floodway would thus amount to an additional nearly \$3.4 million, a substantial and avoidable hardship.

As described in the accompanying preliminary analysis of RSA+ and MH Architects, the required Floodway study, extensive grading to offset the development to maintain the base flood level, the success of which is not guaranteed, significant vineyard removal, and the costs attendant to constructing two structures instead of one would be so expensive as to render the winery is not feasible. Requiring the applicant to nevertheless work in the Floodway in order to use the property would burden the applicant in a way that other like-zoned properties in the same area are not so limited. It would also significantly change the proposed project such that its likelihood of approval could be rendered suspect. Were the project proposed without the setback variance, a reasonable conclusion could be reached that it was inconsistent with the County's Floodplain Management regulations which are specifically designed to discourage development in the Floodway. The project was thus designed to avoid those concerns at the outset to protect applicant's substantial rights to use and enjoy its property in similar ways to its neighbors.

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

Staff Comment: There will be no negative impact on the health or safety of persons residing or working in the neighborhood of the property by the granting of the variance. To the contrary, any impact would be positive by

avoiding work in the Floodway, and in the location of the current structures on the property. It will require building only one structure on the property instead of two.

Further, the variance will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The existing property features two old houses and a carport. Those structures will be replaced with one new residence with a winery on the ground floor. Even without the winery on the ground floor, the same building could be built in the same place as purely a residence. Thus, the winery component of the structure that requires the variance will have little impact on the appearance of the property.

Moreover, applicant believes that locating the residence and winery in one building located closer to Silverado Trail actually improves the property appearance for all of the winery's neighbors. Doing so puts it further away from the Trancas Crossing Park on the west side of the river. It also places the building further from its neighbor to the south. By placing the structure where proposed, although closer, it will be less visible to the neighboring strawberry stand to the north, as a tall, dense stand of trees sits along the property line between the fruit stand and the proposed building: the winery would actually be more visible from the strawberry stand if it were set further back on the parcel. Finally, there are no visible neighbors to the east, across Silverado Trail that could be impacted by the building being located where proposed.

If any, the principal impact from locating the winery closer to Silverado Trail would be on those driving past. But the proposed project would indeed be consistent with the other properties in the area from such a standpoint, with the strawberry stand, veterinarian clinic, and Luna Vineyards, for example, all located nearer to Silverado Trail. Moreover, the applicant's plans call for green screening between the building and the roadway. As such, the winery will actually be less visible than the current, visibly unappealing, older structures, which are currently the first structures that are highly visible driving north on Silverado Trail into the County from the City of Napa. The applicant respectfully submits that its proposed structure represents a far more appealing first impression of Napa County to visitors than the property presents currently, and as such grant of the variance would be a positive to the community as a whole.

Finding 5) Grant of the variance in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that the grant of the variance might cause a significant adverse effect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Staff Comment: The project is consistent with General Plan Conservation Policies CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources. The project is categorized as being located within the Valley Floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year based upon current County Water Availability Analysis policies. Based upon those criteria, the Allowable Water Allotment for the project site is 22.65 acre-feet per year (af/yr), determined by multiplying the 22.65 acre Valley floor site by a one AF/YR/acre fair share water use factor. There are three existing wells on the property. According to the Water Availability Analysis for Alta Wines 2125 Silverado Trail, Napa, CA 94558, APN: 039-270-005, prepared by RSA (Dated August 16, 2019; Attachment F), the total proposed water demand of the project would be 7.76 af/yr, a decrease in the existing water use of 7.91 af/yr. Therefore, the project is considered not to have a potential to significantly impact groundwater resources. Because the projected water demand for the project is below the estimated water availability acre feet per year for the parcel, the requested Use Permit is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support reservation and sustainable use of groundwater for agricultural and related purposes. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.

Tours & Tasting/Marketing Events - The project proposes 10 by-appointment visitors/day; 70/week. The proposed hours of visitation, deliveries and trade will be 10:00 am to 7:00 pm, seven days/week. Staying open until 7:00 pm is intended to further reduce the already-minimal peak hour impacts. The proposed Marketing plan consist of four events/year, for a maximum of 25 guests at each event. On-site consumption of wines produced at the winery, in accordance with AB 2004 (Evans) on the tasting room patio, indicated on project plans Sheet A0.04. Food service will be limited to catered food and no food preparation will occur on-site. Marketing events may include wine and food pairings, where any meals will be catered. There will be no visitation on event days. Upon comparison with similar-sized wineries, the proposed total annual visitation levels are 6% greater than the average visitation levels granted. The total marketing visitation level is 70% less than the average marketing levels granted to similar-sized wineries. In total, annual visitation is 7% less.

Traffic & Parking - The parcel is located on the west side of Silverado Trail and with two direct-access driveways; the northerly access driveway will be utilized by the winery and residence, and the southerly access driveway will be used for the agricultural activities. Public Works determined that the project does not warrant a left turn lane. Seven winery-related parking spaces are proposed, one to be ADA compliant. Two residential parking spaces are provided on the northerly side of the building, adjacent to the stairway and elevator proposed to serve the residence.

Groundwater Availability – The project is located on a ±22.65 acre parcel on the valley floor, in an area where the adopted groundwater recharge rate of 1.0 acre-feet/year/acre gives a total groundwater recharge of **22.65** acre-feet/year (af/yr) for the project parcel. There are three wells on the parcel. The Water Availability Analysis (RSA, August 16, 2019) prepared for the project states that proposed modifications for the Alta Wines project will result in a decrease in the use of groundwater of 0.15 af/yr for a total annual usage of 7.76 af/yr, which is less than the estimated groundwater recharge rate for the parcel of 22.65 af/yr. The use of process wastewater for irrigation of the vineyard decreases the groundwater demand.

The existing total groundwater usage is 7.91 af/year, specifically: Vineyard irrigation: 7.83 af/yr; Residential: 0.08 af/yr. The proposed development will result in a total usage of 7.76 af/yr, specifically: Vineyard irrigation: 7.58 af/yr; Vineyard (processed wastewater): -0.15/yr; Landscaping: 0.05 af/yr; Winery process water: 0.15 af/yr; Winery domestic water: 0.07 af/yr; Residential: 0.07 af/yr.

Wastewater – There are two existing residential septic systems. Both systems will be abandoned per Napa County guidelines and the residences will be demolished. The Winery Wastewater Feasibility Report, prepared by RSA (August 16, 2019) demonstrates that the proposed domestic and process wastewater systems are sufficiently sized to accommodate peak flows from the winery and the residence. The domestic wastewater system for the winery will accommodate the one part-time and two full time employees, and the 10 daily visitors. It is assumed that the residents will also work in the winery. According to County sewage treatment design guidelines, winery process wastewater must be treated prior to surface drip discharge to the vineyards.

Hours of Operation - The family will be residing on the property in the proposed residence on the second story of the winery building. As a family-owned operation, the only two, full-time "employees" are the family owners who do not propose to have any specific limitations on when the family may do winery-related work, but in general production hours will occur between 7:00 am and 7:00 pm. One part-time employee will assist the family. The winery will be open for visitors, including trade and winery deliveries, from 10:00 am to 7:00 pm, seven days per week, except during harvest when certain activities will be operated up to 24 hours per day. Staying open until 7:00 pm is intended to further reduce any already-minimal peak hours impacts by the winery.

Grape Sourcing – Alta Napa Valley currently produces wine, first producing in 2009, and own several vineyards located on Atlas Peak and the eastern hills. The project proposes a 10,000 production capacity, where the 15 acres of vineyards on the project site represent ±74% of the grapes needed for production. The remaining grapes will come from the other vineyards located in Napa County on Atlas Peak, the Carneros area, and in the eastern

hills, which allows the winery to comply with the grape sourcing requirements of the Napa County Code.

Greenhouse Gases/Climate Action Plan - Greenhouse Gases/Climate Action Plan - 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 part of the application materials. The applicant proposes to incorporate GHG reduction methods including: generation of on-site renewable energy; alternative fuel and electrical vehicles in fleet; vehicle miles traveled (VMT) reduction (with bike riding incentives, bus transportation for large marketing events; employees (owners) residing on-site; and the vineyard ownership of farm equipment kept on-site); energy-conserving lighting; energy star roof/Living roof/cool roof; connection to recycled water; installation of water-efficient fixtures; low-impact development; water efficient landscape; recycle 75% of all waste; planting of shade trees within 40 feet of the south side of the building elevation; electrical vehicle charging station(s); a 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; limits the amount of grading and tree removal; use of recycled materials; and, educate staff and visitors on sustainable practices. A 70-80% cover crop is in current use; retains biomass removed via pruning and thinning, and participates at their Atlas Peak property the use of cover crop and retains biomass; does not use fencing or wildlife restriction, and are planning to use raptor boxes to control pests.

Public Comments – No public comments have been received.

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 reduced visitation/marketing alternative and no project alternative.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval to establish a 10,000 gallon/year winery and variance request. Staff recommends this option since the request, as conditioned, is consistent with the Zoning Ordinance and applicable General Plan policies. Staff has reviewed the setback variance request and the evidence submitted, and believes the findings for the variance can be met. Staff is recommending in favor of approval for the following reasons: 1) the proposed project is consistent with the Napa County Zoning Ordinance and applicable General Plan Policies; 2) the project will be constructed on the same foot print of existing development; 3) there is existing direct access to Silverado Trail, with separation between the agricultural access and winery access; 4) grape sourcing of 15 acres on-site; 5) adequate groundwater source; and, 6) in comparison with similar-sized wineries, the proposed total annual visitation levels are 7% lower than the average levels granted to similar sized wineries. Considering all of the enumerated reasons, staff finds that the project meets all County Code requirements and complies with General Plan Policies. Staff supports this option based on the reasons discussed above.

Action Required - Follow 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, where because of the minimal construction and limited operations the project was found to be categorically exempt from CEQA

Option 2 - Reduced Visitation/Marketing Alternative

Disposition - This option could result in a potential decrease in the proposed 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 reduce the permitted visitation and marketing events. If major revisions to 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 granting the Variance 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 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.

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 . CEQA MEMO
- D . Use Permit Application
- E . Variance Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Historic Resource Analysis
- I . Graphics
- J . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina