



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/21/2021

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services

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

SUBJECT: Chateauneuf du Pott Winery Use Permit P19-00408-UP & Variance P19-00409-VAR

RECOMMENDATION

AARON AND CLAIRE POTT/CHATEAUNEUF DU POTT WINERY / USE PERMIT NO. P19-00408-UP & VARIANCE NO. P19-00409-VAR

CEQA Status: Consideration and possible adoption of Categorical Exemptions Class 3 and 5. 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), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303, Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B, under Class 3: New Construction or Conversion of Small Structures, #10 Construction and operation of small wineries" and Section 15305(a), Class 5 (Minor Alterations in Land Use Limitations) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305. 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 20,000 gallon winery with the following components: (1) The construction of approximately 4,638 square foot winery building with approximately 3,881 square feet of production space and approximately 757 square feet of accessory space; (2) The construction of a 2,066 square foot covered crush pad and utility yard; (3) Use of an existing pole barn to house pump equipment and a generator; (4) Installation of seven parking spaces; (5) The construction of a wastewater disposal system, 1,000 gallon pre-treatment tank and 20,000 gallon post-treatment tank (below grade); (6) Installation of a fire protection water tank and domestic water tank; (7) Construction of a new driveway connection from Mount Veeder Road consistent with the Napa County Road and Street Standards; (8) Incorporation of the avoidance measures identified in the Biological Resources Assessment prepared for the project by Analytical Environmental Services on September 5, 2017, into the project design including a 65-foot stream setback, submittal of special-status bird species and other migratory passerines (perching birds) pre-construction surveys to Planning Division staff prior to issuance of the grading permit if vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through September 30), and installation of silt fencing along the northern project development area

during project construction to prevent potential project-related sediment latent runoff from entering Pickle Creek during rain events; (9) On-premises consumption of wines produced on site within the 2,066 square foot concrete covered crush pad area and 668 square foot outdoor patio in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (10) Three (3) full time employees and three (3) part-time employees; (11) Hours of operation: Production, 6:00 am to 6:00 pm; Hospitality, 10:00 am to 4:00 pm; (12) By appointment visitation is requested to be a maximum of 10 visitors per day; maximum 70 visitors per week; and (13) a marketing program with up to three (3) events per year for a maximum 30 guests. A variance is also requested to permit the construction of the winery building approximately 66-feet from the centerline of Mount Veeder Road within the required 300-foot winery setback. The project is located on an approximately 40 acre parcel within the Agricultural Watershed (AW) zoning district at 2072 Mount Veeder Road, Napa; APN: 034-100-046. It has a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS).

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

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

Applicant Contact: George Monteverdi, Ph.D, Monteverdi Consulting, P.O. Box 6079, Napa, CA 94581, (707) 761-2516 or george@monteverdiconsulting.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt based on recommended Findings 1-3 in Attachment A; and
2. Approve Variance P19-00409-VAR based on recommended Findings 4-8 in Attachment A, and subject to the recommended conditions of approval in Attachment B; and
3. Approve Use Permit P19-00408-UP based on recommended Findings 9-13 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

The proposal is to construct a new winery with a maximum permitted capacity of up to 20,000 gallons per year. A 4,638 square foot winery building with approximately 3,881 square feet of production space and approximately 757 square feet of accessory space and the construction of a 2,066 square foot covered crush pad and utility yard is also proposed. Hosted daily tours and tastings and a marketing program is also requested. A Variance is also requested to allow the proposed winery building to be located within the required 300-foot winery setback from Mount Veeder Road. The winery building is proposed approximately 66 feet from the centerline of Mount Veeder Road.

Staff has reviewed the proposal and, with consideration of the variance request, found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Staff has also reviewed the variance request and the evidence submitted and believes the findings can be met. Strict application of the required minimum winery setbacks from Mount Veeder Road would result in excessive hillside grading and tree removal while failing to take advantage of the previously disturbed relatively flat area of the parcel. The requested visitation and marketing program is similar in size to those of 20,000 gallon per year production wineries with by appointment visitation.

Implementation of the proposed project as recommended would result in minimal potential environmental impacts based upon it being Categorically Exempt from CEQA due to its limited scope. The applicant proposes to incorporate the following GHG reduction methods including: installation of rooftop solar panels; placing the site's redwood forest into a conservation easement; replanting of trees in areas of the property damaged by wildfire; use of alternative fuel vehicle; exceeding Title 24 energy efficiency standards; implementation of a VMT reduction plan; energy conserving lighting; energy star roof/living roof/cool roof; bicycle incentives; bicycle route improvements on Mount Veeder Road; use of a biotech worm bin live treatment system for all water with the intent to use it for landscape irrigation; installation of water efficient fixtures; application of low impact development; installation of water efficient landscape; recycling of 75 percent of all waste; composting 75 percent of food and garden material; implementation of a sustainable purchasing and shipping program; electric vehicle charging stations; planting of shade trees on the south side of the proposed building; site design which minimizes tree removal and grading; design and build project to qualify for LEED Silver; certification as a Green Winery and Napa Green Land; use of recycled materials; local food production via a garden; use of 70 to 80 percent cover crop; retaining the vineyard cuttings as chipping material to placed back into the vineyard and organic farming.

Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions Class 3 and 5. 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), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303, Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B, under Class 3: New Construction or Conversion of Small Structures, #10 Construction and operation of small wineries" and Section 15305(a), Class 5 (Minor Alterations in Land Use Limitations) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Aaron and Claire Pott

Applicant: Same as property owner

Representative: George Monteverdi, Ph.D, Monteverdi Consulting, P.O. Box 6079, Napa, CA 94581, (707) 761-2516 or george@monteverdiconsulting.com

Zoning: Agricultural Watershed (AW) District

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

Filed: October 10, 2019; **Resubmittals Received:** June 11, 2020, November 16, 2020, and January 19, 2021;
Deemed Complete: February 18, 2021

New Project Submittal Courtesy Notice Sent: July 10, 2020

Parcel Size: 40 acres

Existing Development: The property was previously developed with a single-family residence and barn which were destroyed by wildfire in October 2017. A steel pole barn survived the fire and remains onsite today. Access to the property is from Mount Veeder Road via an existing driveway. The nearest residence to the winery is approximately 450 feet to the southwest. A blue line stream (Pickle Creek) runs through the western area of the subject site.

Proposed and Existing Winery Characteristics

Winery Size: 8,555 square foot winery development area with uses identified above.

Production Capacity: 20,000 gallons per year.

Winery Development Area: 8,555 square feet (0.2 acres).

Winery Coverage: 40,777 square feet (0.9 acres) (Maximum 25% or 15 acres permitted, whichever is less).

Accessory/Production Ratio: 757 square feet accessory/3,881 square feet production - approximately 20%. (Maximum 40% permitted).

Number of Employees: Up to three full-time employees and three part-time employees.

Visitation: Maximum of 10 visitors per day and 70 visitors per week by appointment only.

Marketing Program: Three events per year with a maximum of 30 guests. All events to be catered.

Days and Hours of Operation: 6:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 4:00 PM (visitation hours), 7-days a week.

Parking: Seven (7) parking spaces (six (6) standard spaces and one ADA space).

Setbacks:

Required Road setbacks – 300 feet from the centerline off Mount Veeder Road.

Required Property line setbacks - 20 feet side and rear yard setbacks (for structures) except where the 300-foot setbacks are applicable.

Proposed Setbacks - A variance is requested to permit the construction of the winery building approximately 66 feet from the centerline of Mount Veeder Road within the required 300-foot winery setback. See Discussion section below. The application meets all other setback requirements.

Adjacent General Plan Designation/ Zoning / Land Use:

North: Agriculture, Watershed, and Open Space (AWOS)/Agricultural Watershed (AW)/rural residential use

South: AWOS/AW/rural residential use and vineyards

East: AWOS/AW/rural residential use and vineyards

West: AWOS/AW/rural residential use

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

Please refer to Attachment L.

Background / Parcel History:

The property was previously developed with a single-family residence and barn which were destroyed by wildfire in October 2017. A steel pole barn survived the fire and remains onsite today.

Code Compliance History:

There are no active unresolved code violations at the project site.

Discussion Points:

Winery Proposal - The proposal is to construct a new winery with a maximum permitted capacity of up to 20,000 gallons per year. A 4,638 square foot winery building with approximately 3,881 square feet of production space and approximately 757 square feet of accessory space and the construction of a 2,066 square foot covered crush pad and utility yard is also proposed. Hosted daily tours and tastings and a marketing program is also requested.

Variance – A Variance is requested for approval of the proposed winery building within the required 300-foot winery setback from Mount Veeder Road. The winery building is proposed approximately 66 feet from the centerline of Mount Veeder Road. As shown on the “Chateauneuf du Pott Variance Application - Slope Analysis Exhibit (Attachment K), strict application of the required setbacks would result in development of the proposed winery on steep slopes in excess of 30 percent. Development on slopes greater than 30 percent requires a Use Permit Exception to the Conservation regulations pursuant to County Code Section 18.108.040. In addition, meeting the setback presents a practical difficulty and could result in detrimental environmental impacts associated with vegetation removal, loss of plant and animal habitat, soil loss, and related impacts to water quality.

Variances 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. As discussed below, Staff believes the project site can meet all of the required findings, and thus, supports granting the variance.

Required Findings pursuant to Section 18.128.060:

1) *That the procedural requirements set forth in this chapter have been met.*

Staff Comment: This requirement has been met.

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 subject property has special circumstances unique to it that are not shared by other properties in the vicinity, and that make requiring a setback inconsistent with the aesthetics the 300-foot setback is intended to protect. Napa County Code Section 18.104.230 requires a 300-foot setback from Mount Veeder Road. This Section's intent and purpose are to protect views of the traveling public along Mount Veeder Road. The existing historic development area on the subject parcel lies entirely within the roadway setback and was formerly developed with a single-family dwelling, wooden barn, carport and a steel pole barn. All structures, except for the steel pole barn, and landscaping were destroyed by fire in October 2017. Except for the existing development area, the parcel is characterized by steep slopes, unstable slopes and mature forest. The parcel is bisected by Pickle Creek. It is not physically possible, therefore, to develop the winery facilities outside of the 300-foot setback from the centerline of Mount Veeder Road without significant earthmoving and tree removal on the steep wooded hillsides. Other Napa County wineries, including ZD Winery and Sawyer Winery, have been granted Variances from the regulation allowing for development within the setback that is no closer to the centerline than the existing development (Per Napa County Code Section 18.104.230.B). The proposed winery would not be visible from vehicles driving along Mount Veeder Road due to the natural topography and existing mature vegetation. This design provides screening and viewshed protections consistent with the intent and spirit of the setback regulations described in the Napa County Winery Definition Ordinance (WDO) and Code Section 18.104.230. The proposed development location is entirely within the sole existing development footprint as well as the historic development area that pre-dates the WDO. As referenced above, several properties in the County under similar or identical zoning classification enjoy permitted wineries (and subsequent expansions) within the setback. These wineries include ZD, LMR Rutherford, Cakebread, Madrigal, and Gandona. Thus, in addition to avoiding severe hardship to the applicant, approval of the requested variance would allow the applicant to achieve parity with other properties.

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

Staff Comment: This finding requires the applicant to demonstrate that grant of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other property in the same zone and vicinity, but would be denied to the applicant's parcel due to special circumstances of the property and unnecessary hardship. This is generally referred to as the "parity" prong. The property is located within the AW zoning district in which wineries are permitted upon approval of a use permit. Denial of a variance would deprive the applicant of the ability to develop this property for any conforming agriculture, either agriculture or agricultural processing facility, without excessive grading, vegetation removal, soil loss, water quality impacts, and wildfire risk because the access driveway would be located in the forested interior of the parcel. Approval of the variance would allow the subject property to be used as an agricultural use consistent with the site's zoning and General Plan land use designations. Further, the variance to the winery setbacks would allow the applicants to achieve a degree of parity with other properties in the vicinity within the same zoning district that are currently in agricultural use and are not constrained by the pre-existing conditions described above. Strict application of the setbacks, results in both practical and financial hardships, which would restrict the ability to obtain a winery use permit. Grant of the variance would bring the parcel into "parity" with other properties zoned AW that have been granted use permits for wineries.

Relocation of the winery outside of the 300-foot road setback would create a substantial hardship in that any alternative location on the 40-acre parcel would necessitate the construction of structures, including access driveways, drainage and erosion control, on steeply sloping heavily forested lands to the northeast of the proposed development area. This would necessitate substantial removal of mixed hardwood forest habitat, grading and slope re-contouring and would move development from an area on low geologic instability to areas of elevated geologic hazard.

The only alternative to utilization of the existing historic development area would be to establish a new development area and infrastructure across Pickle Creek on the eastern side of the Property. Such a development would require extensive grading on steep slopes (>50%) and the permanent removal of approximately three to five acres of mature trees. Location outside of the 300-foot setback would also make the facility directly visible from Mount Veeder Road. Requiring the applicant to convert existing natural woodland habitat to buildings and impervious surfaces, instead of a modest development on an existing historic development area screened from view, would be a severe hardship.

The additional construction costs entailed in building an equivalent winery located on the outside of the 300-foot roadway setback would likely total more than \$3,000,000.00. This total includes: (1) the additional costs of grading to develop a County-compliant access roadway and bridge to a new development site on the east side of Pickle Creek; (2) the additional costs of grading and fill to develop a level building site on the east side of Pickle Creek; (3) the additional cost of widening, grading and paving the existing driveway on the west side of Pickle Creek to the alternate location; and (4) the additional cost of establishing water, electric, sewer, and septic pipes and other infrastructure to this location.

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

Staff Comment: There is nothing included in the variance proposal that would adversely impact the public health, safety, or welfare of the County of Napa. Construction of the new building would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance to the winery road setbacks would not adversely affect the health or safety of persons residing or working in the neighborhood of the property. The proposed winery structure and site development would be located outside of the required 65-foot stream setback and partially screened from view by existing riparian vegetation along Pickle Creek. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which would incorporate these comments into the project to assure protection of public health, safety, and welfare.

5) *Findings 5, 6, and 7 pertain to groundwater use, and the applicable finding depends on whether the project is located in a groundwater deficient area (#5), outside of a groundwater deficient area (#6), or connecting to a public water supply (#7). In this case finding #6 applies with operative language as follows: "...substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin..."*

Staff Comment: As set forth in the attached water availability analysis the estimated groundwater demand of 0.58 AF/YR, represents a decrease of 0.09 AF/YR over the existing condition because the existing well would no longer be used for vineyard irrigation. Compared to the proposed water use, the parcel would recharge approximately 79 times more groundwater than would be used in a normal year (46.3 AF/YR) and 19 times more water than would be used in the driest year (11.2 AF/YR). (O'Connor Environmental, Inc, 2021). The project does not have a significant impact on groundwater resources and this finding can be met. (Refer to groundwater availability discussion below).

Visitation and Marketing - The application proposes a maximum of 10 visitors per day and three marketing events per year, which would be catered. The largest event would host up to 30 guests. The attached winery comparison tables (Attachment L) compare the proposed Chateaufeuf du Pott Winery with wineries that currently have an annual permitted production capacity of 20,000 gallons. The proposed winery has a smaller sized visitation and marketing plan as comparable to by-appointment only wineries. This marketing is not out of scope with what has been approved at similarly sized wineries.

Traffic and Parking - The project study area consists of Mount Veeder Road. The project site would be accessed via a private driveway connecting to Mount Veeder Road. According to a *Focused Traffic Analysis for the Chateauneuf du Pott Winery* prepared by W-Trans on June 16, 2020 (Attachment J), based on standard operational assumptions, the proposed winery would be expected to generate an average of 14 trips during a typical weekday, with five trips during the evening peak hour; on Saturdays an average of 14 daily trips would also be anticipated, with six trips expected during the weekend peak hour. During harvest the project would be expected to generate 24 daily trips on weekdays and 23 on Saturdays, with eight peak hour trips on weekdays and nine on Saturdays. However, as visitor appointments would be scheduled to avoid generating peak hour trips, the project would be expected to generate only two peak hour trips during normal operation and five peak hour trips during harvest. Public Works Department staff reviewed the study and concluded that the study adequately demonstrates that the proposed use in the proposed location would not result in any significant impacts, either project-specific or cumulative, on traffic circulation in the vicinity. Therefore, the project would result in a nominal increase in trips on the study area transportation network. Additionally, a project specific condition (COA 4.3.b - Attachment B) would ensure that marketing events be scheduled to avoid beginning or ending during the hours to 4:00 PM to 5:00 PM weekdays and 1:45 PM to 2:45 PM weekends and that a shuttle service be utilized for the marketing events. Impacts would be less than significant.

The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The proposed project is estimated to generate 14 new daily trips, which is well below the 110 trip threshold in the Office of Planning and Research guidelines. A condition of approval would require implementation of a TDM with strategies such as such as carpool incentives, active transportation incentives, on-site lunches, and a guaranteed ride home to be considered for implementation for the life of the project.

The proposal includes the construction of seven (7) parking spaces (six (6) standard and one ADA accessible) on-site. Based upon the County standard of 2.6 persons per vehicle during weekdays and 2.8 persons per vehicle during weekends and 1.05 persons per vehicle for employees the minimum parking required for daily activities would be seven (7) parking spaces. However, it is unlikely that the winery would host 10 visitors at one time and have three (3) full-time employees at the site at one time.

Noise - With the location of the closest receptor residence ± 450 feet away to the southwest of the project site, potential noise impacts from periodic bottling activities would have a less than significant impact on local residences. Recent noise studies of bottling activities measured 630 feet from the activity itself found the noise levels to be 36 dBA. (Paul Hobbs - Nathan Coombs Winery Environmental Noise Assessment, Illingworth & Rodkin, Inc, June 25, 2016). The noise studies further state that such point source sound levels are reduced with distance in accordance with the "inverse square law", which yields a six (6) dB sound reduction for each doubling of the distance from the source. Based upon the measurements and calculation stated in that study, the receptor residence located ± 450 feet away, the noise level for the bottling activity at the adjacent residence would be approximately 3 decibels more than the measured 36 dBA noise level 630 feet from the bottling line, or 39 dBA. Additionally, the proposed three marketing events for up to 30 people would generate vocal noise (amplified music would be prohibited). But, by using the noise measurements taken at a winery event with an attendance of 100 people (plus background music) in the previously mentioned report, 38 dBA at 600 feet, it can be calculated that at a 450 foot distance, the noise level for an event would be 2.5 dB higher, or 40.5 dBA. The calculated noise levels do not exceed the County's Noise Ordinance "Exterior Noise Limits" at the nearest residence (45dBA). Therefore, based upon the above analysis there is no reasonable possibility that the project would have a significant effect on the environment, or damage scenic resources because of its limited scope and any noise generated by the project would not exceed the levels established by the County Noise Ordinance.

Biological Resources - Under Section 15300.2 of the California Environmental Quality Act, a Class 3 (Section 15303) exemption cannot be used if the project substantially affects mapped or designated environmentally sensitive areas or resources or if there will be cumulative impacts. No grading would occur in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially

mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist. Portions of the 40-acre project parcel lie within a sensitive biotic vegetation aquatic buffer zone, coniferous forest, riparian woodland, and oak woodland areas. However, the project does not result in substantial effects to mapped or designated environmentally sensitive areas or resources and has been designed to incorporate the avoidance measures outlined above. Specifically, a total of 0.21 acres of woodland would be removed for project construction and 0.91 acres of coast live oak woodland is slated for preservation consistent with current County policy (Napa County Code section 18.108.020 (D).) In addition, the project meets the County's Vegetation Retention Requirements, which require the maintenance of 70 percent vegetation canopy cover (Napa County Code section 18.108.020(C).)

Wastewater - According to the Onsite Wastewater Disposal Feasibility Study prepared by Applied Civil Engineering on August 29, 2019 (Attachment G), the project site and proposed system has adequate disposal capacity to serve the project. The study concluded "It is our opinion that the wastewater from the proposed winery can be safely accommodated by pre-treating it, storing it in a tank and applying it to the land surface over a 1 acre area. The subject waste treatment and disposal system will be subject to permitting by Napa County and also the State Water Resources Control Board and Regional Water Quality Control Board to verify compliance with local and state standards. Full design calculations and construction plans for the wastewater systems must be prepared in accordance with Napa County and State standards at the time of building permit application." (Applied Civil Engineering, 2019) The Division of Environmental Health reviewed this report and concurred with its findings.

Groundwater Availability - The project is categorized as "all other areas" based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. A Tier 2 analysis (Attachment F) was completed by O'Connor Environmental, Inc. on July 1, 2021, which included a parcel specific recharge evaluation. According to the recharge evaluation, "application of the Soil Water Balance model (SWB) to the project recharge area revealed that average water year recharge was approximately 8.3 inches/yr or 46.3 acre-ft/yr. During drought conditions, recharge was significantly lower at 2.0 inches/yr or 11.2 acre-ft/yr. The total proposed water use for the project recharge area is estimated to be 0.58 acre-ft/yr. This represents approximately 1% of the mean annual recharge indicating that the project is unlikely to result in declines in groundwater elevations or depletion of groundwater resources over time. The nearest neighboring well is located more than 500-ft from the project well indicating that a Tier 2 well interference analysis is not required." (O'Connor Environmental, Inc., 2021). The well which would supply water to the proposed winery (i.e., the project well, Well 1) is located on top of the ridge between Pickle and Dry Creeks on an adjacent parcel owned by the project applicant (APN 034-100-045). This well was drilled to a depth of 440 feet and is completed to a depth of 338 feet. At the time the well was completed (January 2017), the well had a static water level of 146 feet and an estimated yield of 60 gpm. The well is screened between 138 and 278 feet in a thick layer of shale with sandstone stringers, strata that are consistent with the geology of the Great Valley Sequence. The parcel water demand can be met with the existing project well. 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.

Geology and Soils - A Geotechnical Study Report (Attachment I) was prepared for the proposed project by RGH Consultants on November 5, 2018. The report concluded that the project could be constructed at the site, as proposed, with the implementation of several recommendations regarding seismic design, site preparation and grading, drainage, and retaining walls. Implementation of these geotechnical recommendations is required via the recommended conditions memorandum from the Engineering Division dated February 10, 2021.

Grape Sourcing - Vineyards on properties owned or under contract by the applicant would supply a substantial percentage of grapes required for the requested annual wine production volume. It is anticipated that approximately sixteen grape hauling truck trips annually would be removed from County roadways because of the grapes being processed at the Chateauneuf du Pott facility rather than elsewhere in Napa County. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing

rule (COA 4.6 - Attachment B).

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 proposes to incorporate the following GHG reduction methods including: installation of rooftop solar panels; placing the site's redwood forest into a conservation easement; replanting of trees in areas of the property damaged by wildfire; use of alternative fuel vehicle; exceeding Title 24 energy efficiency standards; implementation of a VMT reduction plan; energy conserving lighting; energy star roof/living roof/cool roof; bicycle incentives; bicycle route improvements on Mount Veeder Road; use of a biotech worm bin live treatment system for all water and intend to use it for landscape irrigation; installation of water efficient fixtures; application of low impact development; installation of water efficient landscape; recycling of 75 percent of all waste; composting 75 percent of food and garden material; implementation of a sustainable purchasing and shipping program; electric vehicle charging stations; planting of shade trees on the south side of the proposed building; site design which minimizes tree removal and grading; design and build project to qualify for LEED Silver; certification as a Green Winery and Napa Green Land; use of recycled materials; local food production via a garden; use of 70 to 80 percent cover crop; retaining the vineyard cuttings as chipping material to placed back into the vineyard and organic farming.

Public Comments - At the time of staff report preparation, one public comment in support of the project had 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 no project alternative and a project alternative which would modify the reduced winery setback variation from Mount Veeder Road.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed 20,000 gallon per year winery and variance request. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Staff has reviewed the Variance request and the evidence submitted and believes the findings can be met. The requested visitation and marketing program is smaller in size as compared to those of 20,000 gallon per year production wineries with by appointment visitation. The applicant also proposes to incorporate GHG reduction measures as part of the project.

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 Categorically Exempt.

Option 2 - Reduced Variance Alternative

Disposition - This option would require an increased setback along Mount Veeder Road, instead of the applicant's request of 66 feet for the winery building, in order to provide additional buffering from Mount Veeder Road. However, the building would still be within the required 300-foot winery setback from Mount Veeder Road and vegetation removal and grading would likely be needed to accommodate the adjusted site plan.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to modify the required setbacks within the variance request. Revision of the findings and conditions of approval may require continuance 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 and Variance, 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 Variance 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 . Categorical Exemptions Memorandum
- D . Use Permit Application Packet
- E . Variance Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Biological Resources Survey
- I . Geotechnical Study
- J . Focused Traffic Analysis
- K . Graphics
- L . Winery Comparison Analysis
- M . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona