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Agenda Date: 9/16/2020

Agenda Placement: 7B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Benjamin Ranch Winery Use Permit P13-00371-UP

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### **RECOMMENDATION**

#### **FRANK FAMILY VINEYARDS, LLC / BENJAMIN RANCH WINERY / USE PERMIT APPLICATION NO. P13-00371-UP**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration (MND). According to the proposed MND, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures applicable to traffic and transportation and biological resources. The proposed project site 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 winery with development on 8 acres of an approximately 85.1-acre project site. The winery would produce up to 475,000 gallons of wine per year in approximately 87,292 square feet of building area that would house business/administrative functions, a commercial kitchen, and rooms for conducting winery tours and tastings, in addition to barrel storage and wine production functions. The proposed winery would: a) operate daily between the hours of 8:00 a.m. and 6:00 p.m.; b) include a wine marketing program consisting of up to 357 events per year for up to 16 to 150 guests per event; c) offer wine tours and tastings by appointment for up to 400 people per day, inclusive of guests attending marketing events, with tours and tastings offered daily between the hours of 10:00 a.m. and 6:00 p.m.; d) offer retail sale of wine and wine-related items, along with allowance for consumption on-site of wine purchased on the premises pursuant to Business and Professions Code Sections 23358, 23390 and 23396.5; and e) employ up to 61 full-time and part-time staff members. The proposed project would require demolition of an existing shed currently used for vineyard management, and redevelopment of a portion of the site with new winery and hospitality buildings, 75 parking stalls, a new access driveway from Conn Creek Road/State Route 128, and installation of a left-turn lane on Conn Creek Road/State Route 128 at the new access driveway near the southeastern corner of the site. The property at 8895 Conn Creek Road, St. Helena, is located in the AP (Agricultural Preserve) Zoning District and has a General Plan land use designation of AR (Agricultural Resource). The property is assigned with Assessor's Parcel Numbers (APNs) 030-120-016 and 030-120-017.

**Staff Recommendation:** Adopt the MND prepared for the project and approve Use Permit Application No. P13-00371-UP, as conditioned.

**Staff Contact:** Dana Ayers, Consultant Planner, phone number (925) 688-2490 or email address [dayers@trccompanies.com](mailto:dayers@trccompanies.com) ; or Charlene Gallina, Supervising Planner, phone (707) 299-1355 or email address [Charlene.gallina@countyofnapa.org](mailto:Charlene.gallina@countyofnapa.org)

**Applicant:** Frank Family Vineyards, LLC; phone number (707) 942-0859; email address [rfrank@frankfamilyvineyards.com](mailto:rfrank@frankfamilyvineyards.com)

**Applicant Representative:** Scott Greenwood-Meinert, Coblenz Patch Duffy Bass, LLP; phone number (707) 603-2722; email address [sgreenwood-meinert@coblenzlaw.com](mailto:sgreenwood-meinert@coblenzlaw.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the MND and Mitigation Monitoring and Reporting Program (MMRP) based on recommended Findings 1-7 in Attachment A;
2. Approve Use Permit Application No. P13-00371-UP, based on recommended Findings 8-12 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B.

### **Discussion:**

This application encompasses a request for a Use Permit to establish a new winery on vineyard property located on a portion of an approximately 85.1-acre site at 8895 Conn Creek Road. Existing development on the property is limited, with just over 1 acre of the site built with a single-family residence, and with a vineyard management company operating on fewer than 3 acres of the total property area. Annual production at the winery is proposed at 475,000 gallons of wine per year, with a tours and tastings and marketing program that would allow up to 400 guests on-site per day. The requested Use Permit would increase water demands, vehicle trips and miles, and wastewater generation at the property, in addition to adding just over 87,000 square feet of winery buildings to the property. Analysis of potential environmental impacts of the proposal concluded that the parcel has adequate acreage to accommodate wastewater treatment facilities and to meet the groundwater extraction demands associated with the request without detriment to area groundwater supplies. Potential impacts related to vehicle miles driven and related air emissions are proposed to be addressed through mitigation measures supporting alternative transportation modes and requiring implementation of a transportation demand management program to reduce single-occupant vehicle trips, with designation of a coordinator for ongoing monitoring of the program. Conditions of approval are also recommended to require the permittee to construct a right-turn lane at the intersection of Conn Creek Road/State Route 128 and Silverado Trail to reduce project impacts to driver delay experienced at that intersection. Other environmental impacts of the project were determined to be less than significant, and additional conditions are recommended by various County departments to preserve public health and safety.

Staff believes that the findings can be made to approve the Use Permit request and recommends approval of the project subject to conditions of approval and mitigation measures.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

**ENVIRONMENTAL IMPACT**

Consideration and possible adoption of an Mitigated Negative Declaration (MND). According to the MND, the project would not have any potentially significant environmental impacts after implementation of mitigation measures applicable to biological resources and transportation. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owner/Applicant:** Frank Family Vineyards, LLC; 1091 Larkmead Lane, Calistoga, California; phone number (707) 942-0859; email address rfrank@frankfamilyvineyards.com

**Applicant Representative:** Scott Greenwood-Meinert, Coblentz Patch Duffy Bass, LLP; 700 Main Street Suite 210, Napa, California; phone number (707) 603-2722; email address sgreenwood-meinert@coblentzlaw.com

**Zoning:** AP (Agricultural Preserve) District

**General Plan Land Use Designation:** Agricultural Resource (AR)

**Application Filed:** October 22, 2013; **Resubmittals Received:** January 5, 2016; February 22, 2018; September 17, 2019; **Application Deemed Complete:** August 12, 2020

**Parcel Size:** 54.64 acres (APN 030-120-016) and 30.42 acres (APN 030-120-017); following a lot line adjustment (LLA) associated with the project, the site would consist of two parcels of 63.97 (winery) and 21.09 acres in size

**Existing Development:** A barn, small structure used for vineyard management offices, and a shed for vineyard management equipment storage are on APN 030-120-016. There is a single-family residence and a 11.7-acre-foot capacity water irrigation storage pond on APN 030-120-017. Both parcels have vineyards with a total of 47.5 acres of vines planted between them.

**Proposed Winery Characteristics**

The following winery characteristics would apply to the larger, approximately 63.97-acre parcel that would be created after the LLA. No winery activities or facilities would occur on the smaller, 21.09-acre parcel that would be created from the LLA.

**Winery Size:** 87,292 square feet (76,815 square feet production area, inclusive of 10,368 square feet of covered outdoor work areas, and 10,477 square feet indoor accessory use area)

**Production Capacity:** 475,000 gallons of wine per year

**Winery Coverage:** 6.30 acres (excluding irrigation pond; maximum 15 acres allowed)

**Accessory to Production Ratio:** Accessory use area 14 percent of production area (76,815 square feet indoor and outdoor covered production areas and 10,477 square feet indoor accessory use area; maximum 40 percent allowed; ratio excludes approximately 1.3 acres of proposed outdoor consumption and marketing areas located along the banks of the irrigation pond, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the visitor parking lot)

**Number of Winery Employees:** 60, consisting of 30 full-time wine production employees, five seasonal day-time harvest employees, five seasonal night-time harvest employees, 15 full-time hospitality employees and five part-time hospitality employees. (Note that water availability and wastewater feasibility analyses prepared for the project account for 61 employees, which includes proposed winery employees plus the existing vineyard management supervisor. The vineyard management operation is an existing permitted use that would continue to operate on-site as an independent use from the winery.)

**Tours & Tastings Visitors:** 400 people per day, by appointment. On any day that a marketing event would occur, the number of tours and tastings guests would be reduced by a number equal to the number of guests attending the marketing event on that same day.

**Marketing Program:** Up to 357 events per year, inclusive of: a) dinnertime marketing events for up to 24 guests per event, up to three days a week (Friday, Saturday plus one other day), for no more than 14 events per month; b) lunchtime marketing events for up to 16 guests per event, on up to 15 days per month; c) large marketing events for up to 150 guests per event, up to eight days per year (no more than two events in any month), with catered food and portable restrooms; and d) participation in Auction Napa Valley with an event on-site for up to 150 people, with catered food and portable restrooms. Food would be prepared on-site for the lunchtime and dinnertime marketing events in the approximately 250 square foot commercial kitchen.

**Wine Production Days & Hours of Operation:** Daily, 8:00 a.m. until 6:00 p.m. (excluding harvest)

**Hospitality Days & Hours of Operation:** Daily, 10:00 a.m. until 6:00 p.m.

**Parking:** 75 stalls on-site

**Setbacks:** +/-1,040 feet from Conn Creek Road/State Route 128 right-of-way (minimum 600 feet required); 81 feet or greater side yard setbacks (minimum 20 feet required); 970 feet rear yard setback (minimum 20 feet required)

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

The property is located on the eastern side of the Napa Valley, east of the unincorporated Rutherford community and west of Silverado Trail. The property is predominantly flat and substantially surrounded by similarly-developed, large parcels, as described below. All properties surrounding the project site are, like the project site, zoned AP District with a General Plan land use designation of Agricultural Resource.

**North:** An 87.5-acre vineyard parcel adjoins the northern boundary of the site. The large parcel also has a single-family residence and barn.

**West:** A 115-acre vineyard parcel adjoins the western boundary of the site. The Napa River lies further west of that parcel, approximately 1,000 feet west of the western site property line.

**South:** A 61.5-acre vineyard parcel adjoins the southern property line of the site. There is also a single-family residence on a 4.1-acre parcel, the northern edge of which is approximately 400 feet south of the southern site property line. Relatively smaller than the project site but similarly-developed with vineyards, the 67-acre Honig Vineyard and Winery property and 39-acre Frog's Leap Vineyard and Winery property are also south of the site. **East:** The right-of-way of Conn Creek Road/State Route 128 adjoins the eastern property line of the site. Conn Creek lies further east of the roadway, as does a 74-acre parcel exclusively planted in vineyards.

Other wineries along Conn Creek Road in the general vicinity of the property include the Conn Creek Winery approximately 1 mile north of the project site, and Caymus Vineyards approximately one-half mile south of the project site.

#### **Wineries within 1 Mile of Project Site:**

Refer to Attachment H.

#### **Parcel History:**

The two parcels that comprise the proposed project site at 8895 Conn Creek Road are a combined, approximately 85.1 acres in size and are currently planted with 47.5 acres of vineyards. On the smaller parcel (APN 030-120-017), in addition to vineyards, there is an approximately 11.7-acre-foot capacity irrigation storage pond near the southwestern corner of the parcel and a single-family residence at the northeastern corner which was previously granted use permits (94310-UP, 98428-MOD, 01167-MOD and 03162-MOD) for a wreath and holiday decorations shop that no longer operates in the building. A vineyard management company operates on the larger of the two parcels (APN 030-120-016), utilizing an existing structure that houses the vineyard management office and a barn and a shed for storage of vineyard maintenance equipment. Historic aerial photos available online indicate that both parcels have been in agricultural use, planted with grapevines or orchards, for at least the last 70 years.

#### **Code Compliance History:**

There are no outstanding matters of code compliance for either parcel within the project site.

#### **Discussion Points:**

**Setting** - The two parcels that comprise the proposed project site at 8895 Conn Creek Road are a combined, approximately 85.1 acres in size and are currently planted with 47.5 acres of vineyards. Both properties are on the west side of Conn Creek Road/State Route 128, south of the intersection of Conn Creek Road/State Route 128 with Silverado Trail. The properties are located on the Valley Floor, planted in vineyards and predominantly flat, with elevation ranging from approximately 155-165 feet above mean sea level. The site lies between the Napa River (approximately 1,000 feet east of the easternmost corner of the larger parcel, APN 030-120-016) and Conn Creek on the opposite side of Conn Creek Road from the site. Over half of the larger parcel, including a small portion of the area where winery buildings are proposed, lies within the floodplain of the Napa River. On the smaller parcel (APN 030-120-017), in addition to vineyards, there is an approximately 11.7 acre-foot capacity irrigation storage pond near the southwestern corner of the parcel and a single-family residence at the northeastern corner. A vineyard management company operates on the larger of the two parcels (APN 030-120-016), utilizing existing structures that house the vineyard management office, a utility barns and a shed for storage of vineyard maintenance equipment. Several structures, including a farm labor dormitory and workroom, that were on the property previously have been demolished in recent years under permits from the County. Existing residential and agricultural uses (vineyard and vineyard management) on the property are permitted uses of land in the AP District where the property is located (Napa County Code Sections 18.08.040 and 18.16.020).

Winery Proposal - The applicant's proposal is for construction and operation of a new winery with an annual production capacity of 475,000 gallons of wine. Winery development would occur on just over 6 acres of the 85.1-acre project site, primarily on a central portion of the site where a vineyard management storage barn and shed are currently located. Prior to construction of the winery, the barn and shed would be demolished; a small structure housing the vineyard management office would be retained for continued use by the vineyard manager.

Winery production and accessory operations would occur within three buildings, including two large production buildings for tank and barrel storage (combined area of approximately 79,623 square feet) and a third, smaller hospitality building (approximately 7,669 square feet) for hosting daily visitation and marketing events. The hospitality building would include an approximately 250 square foot commercial kitchen for preparation of food at smaller (dinnertime and lunchtime) marketing events but not at tours and tastings. The new production buildings would be built generally in the area where the vineyard management facilities are currently located, and the proposed hospitality building and visitor parking lot would be constructed near the irrigation existing pond. After completion of winery facilities, vineyard acreage would be reduced to 42.7 acres, compared to the 47.5 acres currently.

The winery is also proposed to offer retail sales of wine and wine-related items and on-site consumption pursuant to California Business and Professions Code Sections 23358, 23390 and 23396.5 on approximately 1.3 acres of areas along the banks of the irrigation pond, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the proposed visitor parking lot. These same outdoor areas—to which the closest residence is approximately 1,000 feet to the southeast at 8817 Conn Creek Road—would also be utilized for outdoor marketing events.

Off-site, the proposed project includes installation of widening of the paved surface of Conn Creek Road/State Route 128 and installation of a left-turn lane near the southeastern corner of the property, at a new intersection with the proposed winery access road to be built parallel to the southern property line. Also, prior to construction, the property owner intends to request a lot line adjustment to add acreage from APN 030-120-017 to APN 030-120-016. Once construction and the lot line adjustment are completed, all winery production and hospitality buildings, the existing pond, and the winery access road from Conn Creek Road/State Route 128 would be on the larger, approximately 64-acre flag lot created from the lot line adjustment. The smaller, approximately 21.1-acre parcel created by the lot line adjustment would have no winery facilities but would continue to have vineyard and a single-family residence.

Visitation/Marketing Program - The applicant proposes to host up to 400 visitors per day for tours and tastings, by appointment, between the hours of 10:00 a.m. and 6:00 p.m. In addition to tours and tastings, the applicant proposes a marketing plan consisting of up to 357 events per year (inclusive of one Auction Napa Valley event), for 16 to 150 guests per event, as described in further detail above. For events of 16 or 24 people, food would be prepared in the proposed on-site commercial kitchen; for the 150-person events, food would be catered, and portable restrooms would be provided. All marketing events begin no earlier than 10:00 a.m. consistent with visitation hours and would end by 10:00 p.m., excluding clean-up for one additional hour, and would be scheduled such that guests do not arrive or depart between peak traffic hours of 4:00 p.m. and 6:00 p.m. The applicant proposes to provide valet parking for any wine marketing event for which anticipated parking demand would exceed available on-site parking supply.

As also noted above, on any day that a marketing event would occur, the number of tours and tastings guests would be reduced by a number equal to the number of guests attending the marketing event on that same day, so that the combined number of tours and tastings and marketing events guests would not exceed 400 on any given day.

As shown in Attachment H, the proposed winery was compared to other wineries producing 400,000 to 500,000 gallons of wine per year. Compared to by-appointment and pre-WDO wineries, the number of proposed daily, weekly and annual visitation is above median and average counts. Two of the four by-appointment wineries listed have daily visitation equal to or more than the proposed project.

Groundwater Availability - Water for on-site vineyard irrigation is currently provided from a well located near the existing vineyard management office, northwest of the proposed tank and barrel storage buildings. This same well currently used for irrigation would continue to be used for vineyard irrigation, along with domestic, fire suppression and wine production demands of the winery, provided that the existing well was constructed with a 50-foot annular seal as is required for regulated non-transient, non-community water systems that provide water to at least 25 of the same people (in this case employees) for six or more months of the year (see California Health and Safety Code, Part 12, Chapter 4, Section 116275). If the well does not meet this standard, the property owner would have to drill a new, compliant well, and existing wells would be used to pump groundwater for vineyard irrigation and fire suppression only.

A project Water Availability Analysis (WAA) prepared for the applicant following the Napa County WAA Guidance was submitted with the Use Permit application and updated in June 2020. The WAA summarized water demands from existing uses on the property utilizing demand factors in Appendix B of the Napa County WAA Guidance document. Excluding the single-family residence on APN 030-120-017 that is served by its own individual well, existing annual groundwater demand on the property is estimated at 38.01 acre-feet. (It is noted the estimated annual groundwater demand is considered to be conservative, as the applicant's representative reports that actual water demand for the 2018 and 2019 calendar years was 12.79 and 10.14 acre-feet, respectively, and less than the standardized factors in the WAA Guidance.) Using the same demand factors in the WAA Guidance document for vineyard irrigation and winery uses, and estimating decorative landscape irrigation water demand using the methodologies in the State Model Water Efficient Landscape Ordinance (MWELO, California Code of Regulations Title 23, Division 2, Chapter 2.7), introduction of the winery, winery development and related accessory activities to the property is estimated to increase to water demand to 40.43 acre-feet per year.

Through various studies and reports, the County has concluded that any project located on the Napa Valley Floor that would utilize 1 acre-foot or less of groundwater per parcel acre per year would not have a significant negative effect on groundwater levels. With the location of the proposed 63.97-acre winery project site on the Napa Valley Floor, the requested Use Permit would have a potentially significant groundwater impact if it resulted in more than 63.97 acre-feet of groundwater demand per year. Estimated groundwater demand of fewer than 41 acre-feet of groundwater per year is within the groundwater extraction volume determined by the County to be acceptable. It is further noted that the groundwater demand estimated in the applicant's WAA is conservative, not accounting for lower actual vineyard demand than the County's typical demand factors.

While no significant groundwater impacts from the project are anticipated, the winery Use Permit, if approved, would include the standard condition of approval (COA 4.9) pertaining to groundwater (see Attachment B).

Wastewater - Analysis prepared for the applicant by Bartelt Engineering and composed in the "Onsite Wastewater Dispersal Feasibility Study for the Benjamin Ranch Winery, 8895 Conn Creek Road, Napa County," (Benjamin Ranch WWFS) revised in February 2018, concluded that the wastewater generated from the project could be disposed on-site. That analysis determined peak daily process and sanitary wastewater flows to be 11,680 gallons during the 61 days of harvest and crush season, assuming maximum visitation (400 people) on any given day during crush and 1.5 gallons of wastewater is generated per gallon of the winery's requested annual production of 475,000 gallons of wine.

The applicant's preferred method of process wastewater treatment consists of on-site pretreatment and

distribution of treated effluent as seasonal surface irrigation on a portion of the existing vineyards on the property. This approach for reuse of treated process wastewater includes a storage tank of at least 126,000 gallons for storage of effluent during winter cool and wet months, when vineyard surface drip irrigation needs are lower. Individual sanitary wastewater treatment systems would be provided for the production and hospitality buildings due to their distance from each other, but both systems would also include pre-treatment followed by dispersal of treated effluent through subsurface drip fields located among the vineyards: 1) north of the production buildings, and 2) south of the hospitality building. Site evaluation performed by Bartelt Engineering concluded that, based on absorption rate of the observed soil types on-site, the winery buildings' dispersal field would require a minimum area of 1,040 square feet, and the hospitality building dispersal field would require a minimum of 2,240 square feet. With the winery development and structures surrounded by unbuilt vineyards on the majority of the proposed 64-acre parcel, there is adequate area for both septic system leachfields, plus 200 percent reserve area as required by Napa County Environmental Health regulations.

Greenhouse Gas Emissions - The applicant identified in the Use Permit application, Napa County Voluntary Best Management Practices (BMP) Checklist for Development Projects, several measures intended to reduce GHG emissions from the winery, including installation of a solar water heating system, energy-conserving lighting, a cool roof, and deciduous shade trees (purple plum and Chinese pistache) along the southern elevations of the barrel room and hospitality building (BMP-8, BMP-9, BMP-10, BMP-20). These measures are intended to reduce demand for energy for space conditioning; the cool roof system reflects light and heat of the sun, while the deciduous trees provide shade to cool the buildings in summer months and conversely drop leaves in fall to allow sunlight to penetrate into the buildings for warmth in winter months. Solar water heating and energy-conserving lighting are also intended to reduce fossil fuel-related energy demands of the proposed winery buildings. Other air quality and GHG BMPs proposed by the applicant, including recycling 75 percent of waste (BMP-17), would reduce landfill-related GHG emissions of solid waste. As grapes grown on-site would be processed on-site at the winery, emissions from truck trips to transport grapes from the property to off-site processing facilities would be reduced or eliminated. Establishment of the winery would also facilitate reduced truck trip lengths (and thereby, reduced air emissions) for grapes grown on properties near the project site and also owned by the applicant, as that fruit could also be processed on the proposed project site.

Transportation and Parking - The project would have its access from Conn Creek Road, a two-lane, two-way roadway, the northern portion of which is part of State Route 128. Conn Creek Road intersects with Silverado Trail approximately one-half mile north of the project site, and it intersects with Rutherford Road (which is also part of State Route 128 west of Conn Creek Road) approximately three-quarter mile south of the project site.

A traffic study prepared by W-Trans for the applicant evaluated potential impacts of the project to: 1) the intersection of Silverado Trail and Conn Creek Road/State Route 128; 2) Rutherford Road/State Route 128 and Conn Creek Road; and 3) State Route 29 and Rutherford Road/State Route 128. Operations at these facilities in the future, both with and without the project, range from level of service A at the Rutherford Road/State Route 128 and Conn Creek Road intersection, to level of service F at the intersections of State Route 128 with State Route 29 and Silverado Trail intersections. The level of service (LOS) metric is a graded measurement of driver delay or roadway congestion, for which LOS A indicates free flowing operations and LOS F indicates high traffic volumes or gridlock. The Napa County General Plan (Policy CIR-38) establishes a capital improvement planning goal of LOS D. The policy lists some exclusions, including: 1) State Route 29 in the unincorporated areas between Yountville and Calistoga; and 2) Silverado Trail between Conn Creek Road/State Route 128 southward to Yountville Cross Road. For these two road segments that are in the vicinity of the project site, the General Plan policy specifies LOS F and LOS E, respectively, as acceptable levels of service. The proposed project would contribute to traffic increases that would have the effect of increasing existing vehicle delays on roads in the project vicinity. Further, the additional employees and visitors to the winery would generate vehicle trips and vehicle miles traveled (VMT).

Between LOS and VMT, only VMT is an environmental impact under the California Environmental Quality Act,



though the Commission could adopt conditions of approval pertaining to network impacts on LOS. The memorandum from the Department of Public Works recommends a condition that the applicant implement transportation demand management (TDM) measures and construct improvements (right-turn lane) at the intersection of Conn Creek Road/State Route 128 and Silverado Trail to reduce trips and improve traffic flow on road facilities near the project site. To address VMT increases associated with the project, the initial study identifies mitigation measure TRAN-1 that reflects the Department of Public Works' requirement for a TDM program, with specific minimum requirements for a program coordinator, on-site lunch offering to winery employees, a carpool cash incentive program, and shuttle service for 24-person or larger events. To accommodate more time for communication between staff and the applicant regarding the plan's details, staff recommends that the TDM program be submitted prior to issuance of the first building permit for the project rather than prior to certificate of occupancy as suggested in the initial study, and this revision is noted in the recommended conditions of approval in Attachment B (COA 4.19.a). Implementation of the mitigation measure is estimated to reduce winery-related trips by 15 percent compared to the unmitigated project, consistent with the objective identified in Circulation Element Policy CIR-7 of the General Plan.

Napa County General Plan Policy CIR-14 discourages permit applicants from providing unnecessary or excessive quantities of parking stalls for their uses. The proposed project includes 75 parking stalls for employee and visitor vehicles on the property. These parking stalls would not be highly visible from the Conn Creek Road right-of-way due to distance (over 1,000 feet) from the right-of-way, and in the case of some employee parking stalls, placement behind wine production buildings. The additional stalls would also provide overflow parking for attendees of the winery's largest events. As parking for wineries is determined by use permit, the Planning Commission is tasked with determining whether the proposed increase in parking is consistent with the General Plan. It is recommended by the Department of Public Works that proposed parking should be increased by at least three stalls to a total of 78 minimum to meet the projected daily demands of the winery's hospitality services.

Biological Resources - Analysis in the initial study concluded that the project would not have impacts on riparian habitat or wetlands, as there are no such features on-site, and neither the Napa River nor Conn Creek crosses or is immediately adjacent to the site. With prior disturbance due to extensive agricultural (crops and vineyard) use of the property for many decades, the site is lacking in native vegetation or naturally-occurring aquatic features that would provide habitat or migratory wildlife corridors for sensitive-species. It is noted, however, that the project scope includes removal of trees and demolition of buildings to accommodate construction of the new winery buildings. Though the trees to be removed are non-native, ornamental and fruit trees that were likely intentionally planted along with the existing and since demolished buildings on the property, and the buildings to be demolished are currently in use, mitigation measures are recommended to conduct pre-construction surveys to confirm presence or absence of birds or bats that may have established residence in the trees or structures. If presence of a sensitive bird or bat species is confirmed prior to construction, recommended mitigation measures BIO-1 and BIO-2 would require that appropriate steps be taken, including buffer zones and/or monitoring by a biologist, to minimize impacts to those species as a result of demolition work.

Grape Sourcing - All wine produced from the new winery would be subject to the requirement in Napa County Code Section 18.104.250, Subsection B, that at least 75 percent of the grapes used to make the winery's still wine, or the still wine used by the winery to make sparkling wine, be grown within Napa County. The property owner and his representative have reported that the applicant owns 254 acres of Napa vineyards, and that with the proposed project, all grapes currently grown on-site (as well as the off-site acreage) and crushed elsewhere would remain on-site for processing. Estimating 4 tons of grapes per acre, approximately one-third of the proposed production quantity would be supplied by grapes grown on-site or on other properties under his ownership. The recommended conditions of approval include the standard requirement for compliance with the codified grape sourcing rule (COA 4.6 – Attachment B).

Public Comments - As of the writing of this staff report, several letters of opposition and support for the project have

been received. One comment letter had been received from Michael Honig, Honig Vineyards requesting that the Planning Commission continue the public hearing on the proposed project.

### **Decision-making Options:**

As noted in the Executive Summary, staff recommends approval of the project subject to conditions. Decision-making options also include a no project alternative (denial of the requested Use Permit) and a reduced-intensity project alternative.

#### Option 1: Approve Applicant's Proposal with Conditions (Staff recommended option).

Disposition - This action would approve the project as proposed, allowing construction and operation of a 475,000-gallon per year winery with related tours and tastings and marketing program that would allow up to 400 guests on-site per day. The requested Use Permit would increase water demands, vehicle trips and miles, and wastewater generation at the property, in addition to adding just over 87,000 square feet of winery buildings to the property. However, truck trips to export grapes from the property to off-site facilities for processing would be reduced, as grapes grown on-site or other proximate properties owned by the applicant would be processed at the proposed winery, generating approximately one-third of the winery's requested production capacity. New construction would be compliant with Napa County zoning code regulations for winery developments, including minimum setbacks from property lines and state highways, maximum lot coverage and maximum building height. With implementation of mitigation measures pertaining to biological resources, transportation and trip reduction, potential environmental impacts of the project would be less than significant, and additional conditions of approval would be enforced with the intention of preserving public health, safety, welfare and convenience.

Action Required - Follow proposed actions listed in the Executive Summary section of this staff report.

#### Option 2: Reduced Visitation and Production Alternative.

Disposition - All potential environmental impacts have been found to be less than significant through a combination of project design, mitigation measures and conditions of approval. However, this option provides the Planning Commission at their discretion, the ability to further reduce potential impacts. As with option 1, this option would allow establishment of a winery on the premises, but with 250 daily visitors or marketing event guests, consistent with the average daily visitation for wineries generally of the same size as the one proposed. This option also includes a reduction in the winery's permitted production capacity to 250,000 gallons of wine per year, just over half of the current request, allowing all of the grapes from the applicant's vineyards to be processed at the winery, along with some import of grapes for another roughly 50,000 to 100,000 gallons of wine per year. Groundwater demands would be proportionately less than the proposed project, and as with option 1, vehicle trips associated with employees and visitors to the winery would increase compared to existing conditions at the property but would be less than that anticipated with the project. Fewer parking stalls would be necessary under this alternative, and fewer employees and related trips may be necessary, as well. Truck trips to export grapes would be reduced; new truck trips would still be generated to import grapes or juice from off-site, though to a lesser degree than the proposed project. Though the number of daily tours and tastings described in this option is more in line with wineries producing between 400,000 and 500,000 gallons of wine per year, the Commission could consider lowering the visitation number further to align more with wineries with the lesser production limit. Physical elements of the proposed winery (excluding parking) would be anticipated to be generally consistent with the proposed project.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project-specific

conditions of approval to reduce daily visitation from 400 to 250 guests and to reduce production limits from 475,000 to 250,000 gallons of wine per year. The item would need to be continued to a future date if other significant revisions to the recommended conditions of approval are desired.

Option 3: Deny the Requested Use Permit.

Disposition - As a result of this action, no winery would be established on the property. Existing vineyard management operations and the existing single-family home would remain, and there would be no reduction in acreage of existing vineyard. No on-site or off-site installations would occur, except for those that may be necessary to support the existing uses.

Action Required - In the event that the Commission determines that it cannot meet the required findings for grant of the requested Use Permit, Commissioners must articulate the basis of the conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on Commissioner's statements. Staff would return to the Commission with the findings of denial of the project on a specified date. Under this alternative, the MND would not be adopted.

Option 4: Continuance Option.

The Commission may continue an item to a future hearing date without action at this meeting, at the Commission's discretion.

**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval & Final Agency Memos
- C . Initial Study Mitigated Negative Declaration
- D . Use Permit Application Packet
- E . Water Availability Analysis
- F . Wastewater Feasibility Study
- G . Traffic Impact Study
- H . Winery Comparison Analysis & Summary of Changes
- I . Graphics
- J . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina