

# AGENDA

## NAPA COUNTY PLANNING COMMISSION

1195 Third Street, Ste. 305  
Napa, Ca. 94558

**Wednesday September 16, 2020**  
**9:00 AM**



A Tradition of Stewardship  
A Commitment to Service

### COMMISSION MEMBERS

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<i>VICE CHAIR</i> Andrew Mazotti District # 4	<i>COMMISSIONER</i> Anne Cottrell District # 3	<i>CHAIR</i> Dave Whitmer District # 2	<i>COMMISSIONER</i> Joelle Gallagher District # 1	<i>COMMISSIONER</i> Megan Dameron District # 5
<i>COMMISSION COUNSEL</i> Laura Anderson		<i>SECRETARY-DIRECTOR</i> David Morrison		<i>COMMISSION CLERK</i> Lashun Fuller

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### IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE PLANNING COMMISSION MEETING

Napa County Planning Commission meetings will be conducted via teleconference using the Microsoft Zoom program in order to minimize the spread of the COVID-19 virus, in accordance with the State of Emergency proclaimed by Governor Newsom on March 4, 2020, Executive Order N-29-20 issued by Governor Newsom on March 17, 2020, and the Shelter in Place Order issued by the Napa County Health Officer on March 18, 2020, as may be periodically amended.

To participate in the Napa County Planning Commission meeting, the public are invited to observe and address the Commission telephonically or electronically. Instructions for public participation are below:

The Napa County Planning Commission will continue to meet pursuant to the adopted 2020 calendar <https://www.countyofnapa.org/DocumentCenter/View/15733/2020-PC-MEETING-SCHEDULE>.

The Napa County Planning Commission realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Please watch or listen to the Planning Commission meetings in one of the following ways:

- | Watch on your TV - Napa Valley TV Channel 28.
- | Listen on your cell phone - via Zoom at 1-669-900-6833 Enter Meeting ID 991-4190-6645 once you have joined the meeting.
- | Watch via the Internet - view the Live Stream via Zoom by <https://www.zoom.us/join>, then enter Meeting ID 991-4190-6645.
- | Via Granicus by [http://napa.granicus.com/ViewPublisher.php?view\\_id=21](http://napa.granicus.com/ViewPublisher.php?view_id=21)

You may submit public comment on any item that appears on the agenda, or general public comment for any item or issue that does not appear on the agenda, as follows:

1. Via email – send your comment to the following email address: [PC@countyofnapa.org](mailto:PC@countyofnapa.org). Please provide your name and indicate the agenda item upon which you are commenting. Emails received will not be read aloud but will still become part of the public record.
2. Via telephone - please call the Planning Commission Public Comment Line at: 707-299-1776. Please provide your name and the agenda item on which you are commenting. Your call will be placed on hold and heard by the Commission in the order received.

The above-identified measures exceed all legal requirements for participation and public comment, including those imposed by the Ralph M. Brown Act and Executive Order N-29-20. If you have any questions, contact us via telephone at (707)-253-4417 or send an email to [planningcommissionclerk@countyofnapa.org](mailto:planningcommissionclerk@countyofnapa.org).

#### APPEAL PROCEDURE

If you do not agree with the Commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item, you may appeal the Commission's action to the Napa County Board of Supervisors. Appeals may be limited to those issues raised at the public hearing relating to the agenda item or to written correspondence delivered to the Planning Commission at or prior to the public hearing. For additional information concerning the County's Ordinance requirements for filing an appeal or to obtain the required forms to file an appeal, please stop at the front counter in the County Executive Office/Clerk of the Board, 1195 Third Street, Suite 305 in Napa. If you have any question concerning the appeals procedure, please call (707) 253-4580 and request assistance.

All materials relating to an agenda item for an open session of a regular meeting of the Planning Commission which are provided to a majority or all of the members of the Commission by Commissioners, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at the time of such distribution, in the office of the Clerk of the Planning Commission, 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Commission at the meeting will be available for public inspection at the public meeting if prepared by the members of the Commission or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Agenda available on line at: [www.countyofnapa.org](http://www.countyofnapa.org)

**1. CALL TO ORDER / ROLL CALL****2. PLEDGE OF ALLEGIANCE****3. CITIZEN COMMENTS AND RECOMMENDATIONS**

The Commission invites Citizen comments and recommendations concerning current issues and future prospects of a planning nature which are within the jurisdiction of the Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

**4. APPROVAL OF MINUTES**

The Clerk of the Commission request approval of Minutes for the meeting held on: September 02, 2020 (All Commissioners Present)

**5. AGENDA REVIEW****6. DISCLOSURES****7. PUBLIC HEARING ITEMS****A. KORNER ROMBAUER TRUST / ROMBAUER VINEYARDS / MAJOR MODIFICATION #P19-00103-MOD & EXCEPTION TO COUNTY ROAD AND STREET STANDARDS**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Noise. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval of a Major Modification to an existing 450,000-gallon per year winery to allow the following: **A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:** 1) recognition of 48 full-time and 22 part-time/seasonal existing employees (currently authorized for 25 full-time employees and nine part-time/seasonal employees); and 2) recognition of 79 parking spaces (currently authorized for 74 spaces). **B. EXPANSION BEYOND EXISTING ENTITLEMENTS:** 1) increase the number of full time employees from 25 to 55 and increase the number of part-time/seasonal employees from nine (9) to 26; 2) revise the locations of the existing on-site wine consumption to add an existing picnic area on an adjacent parcel (APN: 021-410-024) and a new ADA-accessible picnic area adjacent to the tasting room parking lot in accordance with Business and Professionals Code Sections 23390 and 23396.5; 3) construct an arbor at the entrance to the garden path to the new picnic area; 4) amend the existing Marketing Plan; 5) convert a conference room in the existing administration building into a small private tasting area; convert a portion of an existing restroom to office space in the production building; and temporarily use space within an area approved to construct a tasting room for a staff break room; 6) add an existing 260 ft<sup>2</sup> shed on an adjacent parcel (APN 021-410-025) for grounds maintenance equipment storage; 7) allow outdoor amplified music on the crush pad, tasting room parking area, and the parking area near a cave entrance during five (5) marketing events; 8) add an existing road for a service area of the administration building; 9) construct four (4) new parking spaces for a total of 83 spaces; 10) construct deceleration/acceleration lane improvements to the Silverado Trail access entrance; and 11) revise Major Modification Permit #P10-00038 - COA#5 to correct the percentage of production that is subject

to the 75% rule (120,000 gallons). There are no proposed changes to the Winery's production, daily visitation, or hours of operation. The project also includes a request for an exception to the Road and Street Standards to avoid the removal of existing mature trees to construct the required current road width increase. The project is located at 3522 N. Silverado Trail, St. Helena - APN:021-410-025 (winery - ±31.85 acres) and APN:021-410-024 (Residence - ± 5.15 acres) Zoning and General Plan Designation: Agricultural Preserve (AP) and Agricultural Resource (AR).

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the Exception to the Napa County Roads & Street Standards and Major Modification, as conditioned.

**Staff Contact:** Wyntriss Balcher (707) 299-1351, [wyntriss.balcher@countyofnapa.org](mailto:wyntriss.balcher@countyofnapa.org)

**Applicant Contact:** Lynn Sletto, 3522 Silverado Trail, St. Helena, CA, 94574, (707) 963-6629; [lynns@rombauer.com](mailto:lynns@rombauer.com)

**CONTINUED FROM THE AUGUST 5, 2020 COMMISSION MEETING.**

**B. 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@trcccompanies.com](mailto:dayers@trcccompanies.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, Coblentz Patch Duffy Bass, LLP; phone number (707) 603-2722; email address [sgreenwood-meinert@coblentzlaw.com](mailto:sgreenwood-meinert@coblentzlaw.com)

**C. FN LAND, LLC / NICKEL AND NICKEL WINERY / USE PERMIT MAJOR MODIFICATION APPLICATION NO. P17-00400-MOD**

**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 with incorporation of mitigation measures pertaining to Cultural Resources and Tribal Cultural Resources. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval of a Use Permit Major Modification of an existing 125,000-gallon per year winery to amend previous approvals (Use Permit No. 98400, as amended). The requested modification would include operational changes that include: **A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:** 1) recognition of an increase in winery employment from 21 full-time and six part-time staff, to the winery's current employment of 67 full-time and six part-time staff; and **B) EXPANSION BEYOND EXISTING ENTITLEMENTS:** 1) an increase in permitted annual wine production from 125,000 to 225,000 gallons of wine per year; 2) an increase in the number of daily visitors for wine tours and tastings, from 75 people per day to 260 people per day, up to a weekly maximum of 1,440 people, with food included for approximately 20 percent of tours and tastings; 3) changes to winery hours of operation and visitation; and 4) a change to the winery's marketing program under the use permit to include up to two additional annual events for up to 900 people each, plus one additional annual event for up to 1,000 people, which have occurred in prior years under Temporary Event Permit authority. Physical changes to the winery associated with the requested modification include an increase in parking on-site from 45 to 106 stalls; construction of an approximately 6,000 square foot winery structure, aboveground and connected to the existing fermentation building, to house production and accessory use areas; installation of covers over approximately 4,600 square feet of existing crush pad and outdoor work areas; and renovation and repurposing of two, 19th century outbuildings (Building 2 - White Shed, and Building 3 – White Barn) from their current use as winery storage to winery accessory administrative and hospitality areas. Site construction would include reconfiguration of the on-site vehicular entry to the winery visitor parking lot and other, related site utility modifications to correspond to the requested permit amendments. The winery is located at 8164 St. Helena Highway 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 Number (APN) 031-010-013.

**Staff Recommendation:** Adopt the MND prepared for the project and approve Major Modification Application No. P17-00400-MOD, as conditioned.

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

**Applicant:** Dirk Hampson, FN Land, LLC; phone number (707) 967-9600; email address: [dhampson@farniente.com](mailto:dhampson@farniente.com)

**Applicant Representative:** Donna B. Oldford, Plans4Wine; phone number (707) 963-5832; email address: [DBOldford@aol.com](mailto:DBOldford@aol.com)

**8. ADMINISTRATIVE ITEMS - NONE****9. DEPUTY DIRECTOR'S REPORT**

- DISCUSSION OF ITEMS FOR THE **OCTOBER 07, 2020 REGULAR MEETING**
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

**10. COMMISSIONER COMMENTS / COMMITTEE REPORTS****11. PROJECTS REQUIRING COMMISSION FOLLOW-UP REVIEW**

Refer to "PBES Current Projects" Web Page <https://www.countyofnapa.org/591/Current-Projects>

**12. ADJOURNMENT**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 9-8-2020 BY 5 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Lashun Fuller (By e-signature)

Lashun Fuller, Clerk of the Commission