



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 9/22/2021

Agenda Placement: 2A

Zoning Administrator Board Agenda Letter

TO: Zoning Administrator

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

REPORT BY: Sean Trippi, Principal Planner - 299-1353

SUBJECT: Amizetta Family Estate Winery Small Winery Exemption Use Permit P19-00132 & Variance P21-00229

RECOMMENDATION

PERRY CLARK / AMIZETTA ESTATE FAMILY WINERY / SMALL WINERY EXEMPTION USE PERMIT # P19-00132, VARIANCE #P21-00229, & RSS EXCEPTION

CEQA Status: Consideration and possible adoption of Categorical Exemption. 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 pursuant to 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. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Grant a Use Permit for a small winery established under a Small Winery Use Permit Exemption approved on May 18, 1984 for an existing 12,000 gallon per year winery to allow the following:

A. Components Necessary to Remedy Existing Violations: 1) Recognition of annual wine production of 15,677 gallons (averaged over three years); 2) Recognition of existing visitation of a maximum of 30 visitors per day, Monday through Sunday; maximum 210 visitors per week; 3) Recognition of existing visitation hours of operation; 10:00 AM to 6:00 PM seven days a week and existing production hours of operation; 7:00 AM to 5:00 PM, Monday through Saturday; 4) Recognition of an existing outdoor tasting area; and, 5) Recognition of five (5) full time employees. **B. Expansion Beyond Existing Entitlements:** 1) Increase annual wine production from 15,667 gallons to 20,000 gallons; 2) Construct a new hospitality building and construct additions to the existing winery building to no more than 5,000 s.f. of total floor area, including a commercial kitchen; 3) Increase the area of the cave to no more than 5,000 s.f.; 4) New outdoor work and tasting areas; 5) Provide 12 new parking spaces; 6) Food and wine pairings are proposed with the existing visitation requested for recognition; 7) A marketing program with eight (8) events per year with a maximum of 15 guests for each event and two (2) events per year with a maximum of 25 guests; 8) Use of the existing cave for guided tours only (Type II); 9) On-premises consumption of wines produced

on site in the tasting areas (indoor and outdoor) in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; 10) Installation of a 50,000 gallon water tank and new well; and, 11) Upgrading/replacing the existing domestic/process wastewater treatment system. The project is located on an approximately 21.5-acre site within the AW (Agricultural Watershed) zoning district with a General Plan land use designation of AWOS (Agriculture, Watershed & Open Space) at 1089 Greenfield Road, St. Helena CA; APN: 025-390-010.

The request includes an exception to the Napa County Road & Street Standards from the commercial driveway width standard at various locations throughout the existing driveway. The request also includes a variance to allow the construction of the proposed hospitality building to be setback approximately 200-feet from the centerline of the existing shared access road on-site where 300-feet is required.

Staff Recommendation: Find the project Categorically Exempt and approve the Use Permit, a Variance, and an Exception to the Road & Street Standards, as conditioned.

Staff Contact: Sean Trippi, Principal Planner, (707) 299-1353 or sean.trippi@countyofnapa.org

Applicant Contact: Jeffrey Redding, AICP, 2433 Renfrew Street, Napa, CA 94558, (707) 255-7375 or jreddingaicp@comcast.net

EXECUTIVE SUMMARY

Proposed Actions:

That the Zoning Administrator:

1. Find the project Categorically Exempt based on recommended Findings 1-3 in Attachment A;
2. Approve the Variance (21-00229-VAR) based on recommended Findings 4-8 in Attachment A, and subject to the recommended conditions of approval in Attachment B;
3. Approve the requested Exception to the Road and Street Standards based on Findings 9 and 10 of Attachment A and subject to the conditions of approval Attachment B; and
4. Approve Use Permit P19-00132 based on recommended Findings 11-15 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. The proposal is to grant a Use Permit for a small winery established under a Small Winery Exemption Permit to recognize winery operations out of the scope of the winery's entitlements including increases to wine production, visitation, hours of operation, employees, and an outdoor tasting area.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing conditions and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Use Permit Application requests recognition of existing wine production, visitation, hours of operation, employees, and an outdoor tasting area. Although not initially permitted under the Small Winery Exemption permit, these activities are already occurring at the subject site.

As described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018, the subject application was found to be substantially conforming. Accordingly, the County may use the winery's existing operations as the environmental baseline for the CEQA analysis related to this application. Staff is supportive of the request based upon the determination that the application meets the criteria for eligibility as Class 3 Categorical Exemption from CEQA and meets all of the qualifications identified in Section 18.10.020 (10) of the County Code.

Based on the reasons stated above, staff recommends approval of the project (the components necessary to remedy existing violations and the requested expansions beyond the existing entitlements), 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 Exemption. 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 pursuant to 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. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Perry Clark, 1099 Greenfield Road, St. Helena, CA 94574; (707) 477-5029

Representative: Jeffrey Redding, AICP, 2423 Renfrew Street, Napa, CA 94558, (707) 255-7375 or jreddingaicp@comcast.net

Zoning: Agricultural Watershed (AW) - District

GP Designation: Agriculture, Watershed, & Open Space (AWOS) designation

Filed: March 27, 2019 **Resubmittals Received:** August 20, 2019, February 5, 2021, June 10, 2021 **Deemed Complete:** August 31, 2021

New Project Submittal Courtesy Notice Sent: June 16, 2021

Parcel Size: 15 acres

Existing Development: The 21.5-acre site is currently developed with a winery, wine cave, parking area, access drive, approximately 9.9 acres of vineyards, a residence, and wooded areas.

Proposed and Existing Winery Characteristics**Winery Development Area:** Existing: 2700 square feet.**Winery Development Area:** Proposed: 5060 square feet.**Production Capacity Approved:** 12,000 gallons per year. Actual maximum annual production was 18,214 gallons in 2020 (three year average 15,677 gallons per year.)**Production Capacity Proposed:** 20,000 gallons per year. 12,000 gallons of annual wine production will not be subject to the 75% grape sourcing rule.**Winery Coverage Existing:** 60,828 square feet or approximately 6.5%.**Winery Coverage Proposed:** 66,870 square feet or approximately 7.1%.**Accessory/Production Ratio Existing:** 1,417 square feet accessory/3,204 square feet production - approximately 44%.**Accessory/Production Ratio Proposed:** 2,618 square feet accessory/8,980 square feet production - approximately 29.2%.**Number of Employees Approved:** Three full-time employees.**Number of Employees Existing:** Four full-time and four part-time employees.**Number of Employees Proposed:** Five full-time employees.**Visitation - Approved:** None.**Visitation - Existing:** 61/day maximum (average approximately 31/day) 240/week maximum (average 125/week).**Visitation - Proposed:** 30/day and 210/week.**Marketing Program - Approved:** None**Marketing Program - Proposed:** Eight events per year (15 guests per event) and two events per year (25 guests per event).**Days and Hours of Operation - Approved:** 8:00 AM to 4:00 PM five days a week.**Days and Hours of Operation - Existing:** 7:00 AM to 5:00 PM (M-Sa) (production hours) and 10:00 AM to 6:00 PM daily (visitation hours).**Days and Hours of Operation - Proposed:** Recognition of existing conditions.**Parking - Approved:** Five parking spaces.**Parking - Proposed:** 12 parking spaces.**Setbacks:**Required Road setbacks – 300 feet from the centerline of the shared private access drive serving the winery and a residence adjoining the subject property to the east.Required Property line setbacks - 20 feet side and rear yard setbacks (for structures).Existing Setbacks - The existing winery building is located approximately 180 feet from the centerline of the shared access drive, 30 feet from the east property line, 160 feet from the north property line, 470 feet from the west property line, and over 1,100 feet from the south property line. The existing winery building was constructed prior to the 300-foot setback from the shared access drive.Proposed Setbacks - There are no changes to the setbacks of the existing winery building. The proposed hospitality building is approximately 200-feet from the centerline of the shared access drive, 300 feet for the east property line, 319 feet from the north property line, 303 feet from the west property line and over 950 feet from the south property line. Therefore, the proposal will be subject to a Variance for a reduction to the 300-foot setback.

Adjacent General Plan Designation/ Zoning / Land Use:

Surrounding land uses are primarily vineyards, wineries, and residences. Properties in the vicinity of the project site range in size from approximately 10 to 450 acres. The nearest residence, not owned by the applicant, to the winery building is approximately 1,022 feet to the southwest. The nearest winery, Buehler Vineyards, is located approximately 2,600 feet to the south, as the crow flies. Anonair Winery is approximately 4,900 feet to the southwest.

North:

AWOS General Plan designation, AP/AW zoning -

North of the project site is a 180 acre property with vineyards and wooded areas.

South:

AWOS General Plan designation, AW zoning -

South of the project site is a 450 acre property with vineyards and a residence.

East:

AWOS General Plan designation, AW zoning -

East of the project site is a 18.9 acre property with vineyards and a residence.

West:

AWOS General Plan designation, AW zoning -

West of the project site is a 10.8 acre property with a residence.

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

Please refer to Attachment I.

Parcel History:

A Small Winery Use Permit Exemption was approved for the subject site on May 18, 1984 permitting a maximum production capacity of 12,000 gallons per year, a 2,700 square foot building, three full-time and one-part time employees, hours of operation of 8:00 am to 4:00 pm five days a week, and five parking spaces. Visitation was limited to retail sales with no public tours or tastings permitted.

Code Compliance History:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164. Pursuant to that Resolution, a site inspection was conducted by Code Compliance, Planning, Engineering and Fire staff on April 17, 2019, to identify any potential health and safety issues, as well as to review the existing use and proposed changes. Code Enforcement Case CE19-00148 was opened for the alleged violations outside the scope of the Use Permit, but would be resolved by approval of this Use Permit request. All items identified at the initial site inspection have been addressed with the exception of tank bolting requirement as the tanks will be relocating as part of this request. A condition of approval is recommended that tank bolting occur prior to occupancy.

Discussion Points:

Setting - The 21.5-acre site is located in the hills north of Lake Hennessey, a little over a mile north of the lake, at the terminus Greenfield Road. The project site is currently developed with a winery, wine cave, approximately 9.9 acres of vineyards, a residence, and wooded areas. Properties in the vicinity of the project site range in size from

0.40 to 450 acres. Surrounding uses include single-family homes, vineyards, and a few producing wineries (Aonair, Seavey and Buehler). The nearest residence to the winery, not owned by the winery owner, is approximately 1,022 feet to the southwest. An unnamed tributary stream runs from northeast to southwest and into Moore creek, which is approximately 3,600-feet to the east of the project site. Undeveloped areas are generally heavily wooded. Elevations range from approximately 700-ft. to 1,100-ft. above mean sea level.

Winery Proposal - The request is to grant a Use Permit for a small winery previously established under a Small Winery Exemption Permit to recognize increases in wine production, visitation, hours of operation, employees, and site improvements, which were not approved as part of the Small Winery Exemption permit issued in 1984. Further, the request includes additional wine production, expansion/new construction of winery facilities, additional parking, water storage, and associated improvements as enumerated in the recommendation section of this report.

Under County Code Section 18.10.020 (A)(10), following a public hearing noticed in accordance with Section 18.136.040, the Zoning Administrator may approve use permits for small wineries as defined by Section 18.080.600 of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:

- a. Has an annual maximum of 20,000 gallons or less of wine production; *The existing winery is requesting a maximum of 20,000 gallons per year as part of this proposal.*
- b. Generates no more than forty Average Daily Trips (ADT) (twenty daily round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds forty ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Fire Safe Regulations, or adopted left-turn lane warrants required for all projects; *The Engineering Division reviewed the proposal and confirmed that it would not generate more than 40 ADT.*
- c. Has a maximum of ten thousand square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads; *Total occupied space including the existing winery building, cave and proposed expansions and new construction is approximately 9,996 square feet.*
- d. Conducts a maximum of eleven marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed twenty-four ADT (twelve daily round trips,) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed forty ADT (twenty daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed forty ADT; and *The proposed marketing program is consistent with these parameters.*
- e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting room visitation, or marketing events shall be considered within two years after approval.

Visitation/Marketing Program - The existing visitation requested for recognition slightly exceeds the average and median calculations of similar production capacity by appointment wineries. However, Staff is supportive of the request based upon the determination that the application meets the criteria for eligibility as a Class 3 Categorical Exemption from CEQA and meets all of the qualifications identified in Section 18.10.020 (10) of the County Code. No intensification of visitation is proposed except the recognition of existing conditions. A marketing program consisting of eight events per year (15 guests per event) and two events per year (25 guests) is proposed and is consistent with the qualifying criteria outlined in Section 18.10.020.10.d of the County Code. The application materials also indicate that there will be no tours and tasting during the time marketing events are held. Staff recommends a project specific condition of approval to memorialize the foregoing statement.

Food Service - Food service for visitation and marketing events would be prepared on-site in the proposed commercial kitchen. Wine and food pairings are requested, but food service would not be the predominant use. Visitation and marketing events would be required to conform to Conditions of Approval No. 4.2 and 4.3, respectively, which addresses food service as it relates to visitation and the marketing of wine.

Variance – A Variance is requested for approval of the proposed hospitality building within the required 300-foot winery setback from the shared access drive, which provides access to the adjacent property to the east. The existing winery building predates the 300-foot setback requirements and the proposed attached additions are no closer to the access drive than the existing structure, so the 300-foot setback is not applicable to the existing building. The proposed hospitality building is approximately 200 feet from the centerline of the access drive. As shown on the Amizetta Winery Variance Application - Use Permit Conceptual Site Improvement Plans (Attachment K), strict application of the required setbacks would result in development of the proposed building 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 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 Zoning Administrator 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 the shared access road. This setback requirement was adopted in 1990 with the intent and purpose are to protect views of the traveling public along public roads and private roads used by the public. The existing winery building, which was constructed prior to the 300-foot setback requirement, and proposed development area on the subject parcel lie within the roadway setback. Except for the existing development area, the parcel is characterized by steep slopes, and riparian vegetation. An unnamed blueline stream runs through the southwest portion of the property and an ephemeral drainage runs along the western boundary of the site. It is not physically possible, therefore, to develop the proposed improvements outside of the 300-foot setback from the centerline of shared access drive without significant earthmoving on steep 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 only be visible by visitors of the winery and guests of the residence on the adjoining property to the east, which is under the same ownership as the winery. The development area is far removed from view of Greenfield Road. Other properties located within vicinity of the winery are not encumbered by a shared driveway not are they developed with wineries. 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 agricultural processing facility, without excessive grading, construction of a 40-foot retaining wall, soil loss, and water quality impacts. 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 setback would allow the applicants to achieve a degree of parity with other properties 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 to expand the existing facility. Grant of the variance would bring the parcel into "parity" with other properties zoned AW that have been granted use permits and use permit modifications 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 21.5 acre parcel would necessitate the construction retaining walls, approximately 7,000 cubic yards of soil that would need to be removed with up 1200 truck trips required to remove the soil, drainage improvements, and erosion control measures, on steeply sloping lands to the northwest of the proposed development area. The additional construction costs entailed in building the equivalent improvements located outside of the 300-foot roadway setback would likely total more than \$350,000 to \$500,000 just for the additional grading and soil removal. The estimated cost does not include the cost of retaining walls, drainage improvements and related infrastructure.

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 35-foot stream setback from the ephemeral drainage. 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 13.62 AF/YR, represents an increase of 0.03 AF/YR over the existing condition. Compared to the proposed water use, the parcel would recharge approximately 17.13 AF/YR (RCS 2021). The project does not have a significant impact on groundwater resources and this finding can be met. (Refer to groundwater availability discussion below).

Groundwater Availability - Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. 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. The project is categorized as "all other areas" based upon current County Water Availability Analysis (WAA) policies and therefore water use criteria is parcel specific. An analysis was completed by RCS, dated March 29, 2021, which included existing and proposed groundwater demands and a parcel specific recharge evaluation. The project water demands and recharge area also includes a neighboring property under the same ownership as the winery parcel as the water supply is shared by both properties. There are no off-site wells within 500-feet of the project wells so a well interference analysis was not necessary. According to the WAA there are seven existing wells on the two properties. An unnamed tributary stream runs from northeast to southwest and into Moore creek, which is approximately 3,600-feet to the east of the project site. No surface waters are being diverted, so there would be no impacts to surface waters. A new well was constructed in 2020, but not in use, to meet the requirements for a Transient Non-community Public Water System. Water demands associated with this request will be met using the new well. The two properties are currently developed with 22 acres of vineyards, the existing winery, a residence on each parcel, a pool and landscaping. The WAA indicates that existing groundwater demand is 13.59 AF/YR (1.55 AF/YR for the residences and pool, 0.59 AF/YR for the winery, 0.45 AF/YR for landscaping, and 11.00 AF/YF for vineyard irrigation). Proposed groundwater demand would be 13.62 AF/YR, an increase of 0.03 AF/YR, based on the proposed project. The WAA notes that actual groundwater demands for vineyard irrigation are approximately 1.10 AF/YR due the implementation of dry farming techniques. According to the recharge evaluation, groundwater recharge within the project recharge area is estimated to be 17.13 AF/YR.

The WAA also evaluated the possible effects of a prolonged drought, defined in the WAA as six consecutive years of continuous drought. According to the report, to meet six consecutive years of groundwater demand for the proposed subject property, a total onsite groundwater extraction of 81.72 AF is estimated to be required (13.62 AF/yr of groundwater demand multiplied by 6 years = 81.72 AF). Assuming groundwater recharge is reduced to 32% of the average annual recharge during each year of such a theoretical "prolonged drought period", then the resulting total of groundwater recharge that might occur during the six-year drought period for the subject property is calculated as follows: As shown in the report, a conservative estimate of the average annual groundwater recharge on the subject property is estimated to be 17.13 AF/yr. Taking 32% of this annual volume yields a drought period recharge volume of 5.48 AF/yr. Assuming a drought period duration of 6 continuous years, then a total of 32.88 AF (5.48 AF/yr times 6 years) of water would be available to recharge the volcanic rocks beneath the property by virtue of deep percolation of the direct rainfall that occurs solely within the boundaries of the subject property.

Conservative estimates of recharge that may occur during a "prolonged drought" show that, over a theoretical six-year period of continuous drought in which only 32% of the average annual rainfall might occur, a total of 32.88 AF of rainfall recharge is estimated to occur strictly within the boundaries of the subject property. This theoretical drought period recharge estimate of 32.88 AF is less than the estimated groundwater demand of the proposed project of 81.72 AF for the same continuous six-year period assuming no dry farming). Hence, the theoretical six-year long drought period groundwater recharge "deficit" of about 48.84 AF would represent about 30% of the volume of groundwater currently in storage (estimated to be approximately 165.53 AF). Rainfall recharge during years of average and above average rainfall would then replenish groundwater in storage that has been used to

the meet the groundwater demand of the entire property during a theoretical drought of six continuous years.

Groundwater recharge during a prolonged drought period (5.48 AF/YR) is less than projected water demands without drying farming (13.62 AF/YR). However, the implementation of dry farming would reduce water demand by 9.9 AF/YR resulting in an estimated water demand of approximately 3.72 AF/YR.

The WAA includes recommendations to implement groundwater monitoring which would include monitoring static and pumping water levels and the installation of water level transducers to record accurate water levels in the wells. These recommendations are included as conditions of approval.

Wastewater - According to the Wastewater Feasibility Report prepared by Madrone Engineering, dated January 25, 2021, the project site and proposed systems would have adequate disposal capacity to serve the project. The project site contains suitable soils and adequate dispersal area to support wastewater treatment on-site. The Division of Environmental Health reviewed this report and concurred with its findings.

Request for Exception to Napa County Road and Street Standards (RSS) - The proposed project includes a request for exception to the requirements of Section 3. The RSS requires driveway with minimum 20-foot width for two-way traffic (two 10-foot wide travel lanes) and 22-foot horizontal clearance, including the travel lanes, 15 feet of vertical clearance, 50 foot minimum inside turning radius and 16% slopes (18% to 20% slopes are allowed based on certain criteria). Access to the winery is off of Greenfield Road via a long private shared driveway. Beginning at Greenfield Road to the terminus at the winery, the existing driveway varies in width from 10 feet to 11 feet and is approximately 1,848 feet in length. The nature and constraints for the road exception are to minimize environmental impacts by reducing earth disturbances on steep slopes, proximity to natural water courses, and preserving heritage trees.

The request is for selective narrowing of the roadway in order to preserve natural features of the environment. At the road stations identified in the request, the driveway is flanked by steep slopes on the uphill and downhill sides of the roadway, natural watercourses, and several large native mature trees that vary in diameter from six inches to 24 inches or more in diameter at breast height. Due to these constraints the access road cannot be improved to fully comply with the RSS width requirements. The applicant is proposing to widen the access road to maximum road width achievable in these areas and provide full improvement in the areas not listed. This request also includes that the required emergency vehicle turnaround to be located slightly further than the required 50 feet maximum from the winery structure. The project has provided access to within 10 feet of the cave portal and building. The proposed alternative turnaround area (not within 50 feet of the winery structure) has been shown to be able to support emergency apparatus and has been authorized by Cal Fire/Napa County Fire Department as proposed.

Section 3 of the RSS allows the County to make exceptions to the RSS where physical or environmental constraints exist, and provided that the exception would not impede or delay emergency response or evacuation efforts. County staff is in agreement with the analysis of the applicant's civil engineer. A copy of the Engineering Division's recommendation to approve the exception request, subject to recommended conditions, is attached to this staff report with the RSS exception request letter and becomes final upon approval of the project.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Greenhouse Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment F. As discussed above, the winery has already implemented the following GHG reduction methods: generation of on-site renewable energy; energy conserving lighting; use of water efficient fixtures; low-impact development; water efficient landscaping; and limited grading and tree removal. The following additional GHG reduction measures are proposed: alternative fuel and electrical fleet vehicles; VMT reduction plan; solar hot water heating; cool roofing; recycling 75% of all waste; composting; sustainable purchasing; EV charging stations; and site design and use of the existing cave to

optimize conditions for natural heating, cooling, and day lighting of interior spaces.

Public Comments - Staff has received one comment via e-mail, which is attached to this report (Attachment E).

Pursuant to BOS Resolution No. 2018-164, (Staff has provided separate decision-making options for the components of the project necessary to remedy existing violations and the new expansions beyond existing entitlements.

Decision Making Options Regarding Remediating Existing Violations:

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing employees, visitation, and hours of operation. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, staff recommends recognition of the existing employees, visitation and hours of operation based upon the determination that the application meets the criteria for eligibility as a Class 3 Categorical Exemption from CEQA and meets all of the qualifications identified in Section 18.10.020 (10) of the County Code as detailed above. Sufficient access is available to serve the site as well as the availability of adequate water supplies.

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 Employee and/or Visitation Alternative

Disposition - This option would require that the applicant reduce their number of existing employees and/or existing maximum visitation numbers. As noted above, the existing visitation requested for recognition is slightly above the average and median calculations of similar production capacity by appointment wineries. Staff recommends no changes to the existing employees and visitation. All potential environmental impacts were found to be categorically exempt.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the number of existing employees and/or visitation and required conditions of approval. The item may need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

Disposition - In the event the Zoning Administrator determines that the project does not, or cannot meet the required findings for the granting of a Use Permit, the Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required - Zoning Administrator would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Zoning Administrator on a specific date.

Option 4 - Continuance Option

The Zoning Administrator may continue an item to a future hearing date at its own discretion.

Decision Making Options Regarding Expansions Beyond Existing Entitlements:

Staff recommends approval of the applicant's proposal as described in Option 1 below.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including increased wine production, a marketing program, increased floor area, cave area, a new tasting room, and associated improvements. Staff recommends this option as many of the changes requested such as the marketing program and new construction are operational modifications to support the future growth of the winery and would result in limited physical changes at the subject site.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be categorically exempt.

Option 2 - Reduced Marketing Program Alternative

Disposition - This option would require that the applicant reduce the intensity of their proposed marketing program. As noted above, the proposed marketing program is consistent with the marketing events permitted under County Code Section 18.10.020.10.d Staff recommends no changes to the proposed marketing program. All potential environmental impacts were found to be categorically exempt.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require a reduction in the intensity of the proposed marketing program. If major revisions of the conditions of approval are required, the item may need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Zoning Administrator determines that the project does not, or cannot meet the required findings for the granting of a Use Permit, the Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required - Zoning Administrator would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Zoning Administrator on a specific date.

Option 4 - Continuance Option

The Zoning Administrator may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval & Final Agency Memos
- C . Previous Conditions of Approval
- D . CEQA Memo
- E . Public Comments
- F . Use Permit Application Packet
- G . Variance Application Packet
- H . Water Availability Analysis & Water System Feasibility Study
- I . Wastewater Feasibility Analysis
- J . Graphics
- K . Winery Comparison Analysis

Zoning Administrator: Approve

Reviewed By: Charlene Gallina