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Recommended Findings

**PLANNING COMMISSION HEARING – JUNE 18, 2025
RECOMMENDED FINDINGS**

**VINE CLIFF WINERY ALTERATION
USE PERMIT CONSERVATION
REGULATIONS EXCEPTION P25-00161 & USE PERMIT
MINOR MODIFICATION P24-00191
7400 SILVERADO TRAIL, NAPA
APN: 032-030-027-000**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Categorical Exemption pursuant to the provisions of the California Environmental Quality Act (CEQA), the CEQA Memorandum and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. Because the project involves minor alterations to an existing winery, the project is categorically exempt from CEQA under Class 1 ("Existing Facilities"), Class 2 ("Replacement or Reconstruction"), Class 3 ("New Construction or Conversion of Small Structures"), Class 4 ("Minor Alterations to Land"), and Class 11 ("Accessory Structures") according to the guidelines for implementation of the California Environmental Quality Act.
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The Records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

EXCEPTION TO CONSERVATION REGULATIONS:

The Planning Commission has reviewed the Use Permit request in accordance with the requirements of Napa County Code (NCC) Section 18.108.040(A) and makes the following findings:

For structural/road development projects, all of the following are true:

4. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;

Analysis: The overall development area consists of mild to steep slopes, with four sections in areas with slopes over 30 percent. These sections include 1) a 3,408 square-foot development area with an average slope of 41.02 percent near one of the cave hospitality areas; 2) a 1,295 square-foot development area with an average slope of 42.69 percent near the entry courtyard for guests; 3) a 1,177 square-foot development area with an average slope of 42.96 percent near the tunnel that connects the winery structure to the historic barrel storage cave; and 4) a 2,805 square-foot development area with an average slope of 48.25 percent where the new covered crush pad and production cave portal will be located. Areas of the project site to be developed that are at or above 30 percent slope have been designed to use the development areas in ways that predominately fall parallel to natural contours, with the use of proposed

retaining walls to avoid excessive grading and to maintain the surrounding hillside.

5. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements: a) multiple-floor levels which follow existing, natural slopes; b) foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls; and c) fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it;

Analysis: The structures were designed to fit into the natural topography to reduce earthwork and surface ground disturbance. Retaining walls have been stepped where necessary to minimize earthwork. Through the utilization, expansion, and improvement of an existing onsite cave, the project has been designed in manor that minimizes grading and earthmoving activities by maintain the smallest footprint possible, and where the footprint is expanded, it is taking place in an area of previously disturbed, impervious surface, with much of it replaced by a garden plaza with pervious surface for better surface-to-groundwater flow across the project.

6. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;

Analysis: The removal of sections of concrete production area and retaining walls where slopes are over 30 percent, which will allow for hillside restoration back to the original slope, as well as additional area for natural vegetation regrowth. One live oak will be removed due to its proximity to the proposed cave portal, and it will be replaced at a 2:1 replanting ratio. The remainder of the trees to be removed are non-native ornamental species, and landscaped areas along the existing watercourse will be preserved. The removal of the existing impervious driveway and parking area at the entrance of both the cave and the hospitality structure and the installation of a garden plaza in its place will result in an overall enhancement in both the quality and quantity of vegetation on site.

7. Adequate fire safety measures have been incorporated into the design of the proposed development;

Analysis: The project proposes improvements to the existing driveway to meet Napa County Road and Street standards. The project also proposes two new fire hydrants and a 18,000-gallon fire water storage cistern in an existing tunnel of the cave, while proposed improvements to the cave include the addition of fire sprinklers that will bring it into Type III Occupancy compliance. The Napa County Fire Marshall has reviewed, approved and conditioned the project.

8. Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project;

Analysis: The proposed project does not include any disturbances to streams or watercourse, and the development does not encroach upon the 35-foot setback in place for the existing, onsite ephemeral watercourse. At the project site, the ephemeral watercourse can be avoided as it works through existing culverts and closed conduits through the project site.

9. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies or identified as special status species, sensitive biotic

communities or habitats of limited distribution in the county's Baseline Data Report (2005 or as amended) or Environmental Resources Mapping System;

Analysis: The applicants submitted a biological survey report completed by Salix Consulting, Inc. dated July 2024, which concluded that there were no on-site occurrences of threatened or endangered plant or animal habitats, special status species, or sensitive biotic communities or habitats based on a California Natural Diversity Database query. A subsequent addendum was submitted to further address the identification of vegetation layers, wildlife corridors, and some discrepancies between the submitted report and Napa County Environmental Resources Mapping of special status species habitat and the submitted report. Both the Biological Survey Report and the subsequent addendum conclude that there will not be any adverse impacts on biological resources.

USE PERMIT:

The Planning Commission has reviewed the Use Permit request in accordance with the requirements of Napa County Code (NCC) Section 18.124.070 and makes the following findings:

10. The Planning Commission has the power to issue a Use Permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with the Agricultural Watershed (AW) zoning district regulations. A winery (as defined in Napa County Code (NCC) §18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in the AW zoning district with an approved Use Permit. Minor modifications to Use Permits for wineries located in the AW zoning district allowed under NCC §18.124.130 that involve an exception to Conservation Regulations found in NCC §18.108 require Planning Commission approval.

Wine production on the parcel has occurred for over 100 years, and in 1989 the County recognized these activities through the issuance of a Small Winery Exemption (SWE) permit (#SW-178889). A modification to the SWE followed in 1995 (#94180-MOD), and in 1996 the winery was recognized through the approval of a Use Permit (#96095-UP) that encompassed production and custom production, retail sales, visitation, parking, and the construction of a left turn lane from Silverado Trail. This Use Permit, along with three subsequent modifications (#98041-MOD, #80323-UP, and P08-00159), have been subject to the requirements of the Winery Definition Ordinance. A further modification was approved in 2017 (P17-00129-MOD), which increased tours and tastings and marketing events and recognized changes to the site and floor plan. The currently proposed project, as conditioned, complies with the requirements of the Winery Definition Ordinance and the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

11. The procedural requirements for a Use Permit Minor Modification set forth in Chapter 18.124 of the Napa County Code have been met.

Analysis: The use permit application has been appropriately filed, noticed, and public hearing requirements have been met. Under NCC §18.124.010, a Use Permit may be granted by the Planning Commission provided that a companion action is not required by the Board of Supervisors. The appropriate applications, fees, and public hearing requirements have been met. The hearing notice and intent to find the project categorically exempt from CEQA was posted and published in the Napa Valley Register on June 6, 2025, and copies of the notice

were forwarded to property owners within 1,000 feet of all project parcels. In addition to the requirements, the notice of public hearing was sent to interested parties requesting such notice.

With an existing Use Permit in place, the proposed project meets the criteria for an Administrative Permit that can be approved by the Zoning Administrator, as described in NCC §18.126.065 A, B, G, K, L, M, Q, R, S, T, and U. However, due to the applicant's request for an Exception to the Napa County Conservation Regulations, under NCC §18.108.040, an exception in the form of a use permit may be granted to any of the conservation requirements for structural/road development projects if, after a public hearing, Findings 4-13 (NCC §18.108.040(A)(1-8)) can be made.

12. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: The requested modification to Use Permit to remodel the existing cave to achieve Type III occupancy for production and hospitality, relocate production activities to the second cave portal and add a covered crush pad, remodel the existing hospitality building to expand guest restrooms, upgrade to a new high-risk kitchen for on-site food preparation, relocate administrative offices, remove 10,000 square feet of impervious surface for a garden plaza, and widen the roads to meet the Napa County Road and Street Standards will not adversely affect the public health, safety or welfare. The continuation of existing levels of operation in both production and hospitality will not impact neighboring properties. Environmental Health has verified that the applicant has demonstrated through supporting reports and analyses prepared by qualified professionals that modifications to the wastewater infrastructure can accommodate the proposed development. The Water Availability Analysis (WAA) prepared by O'Connor Environmental, Inc., dated September 18, 2024, estimates the parcel groundwater demand of 17.1 acre-feet per year. This is less than the parcel-specific groundwater recharge analysis included in the WAA, which estimated an annual recharge of 51.8 acre-feet per year. The project would not negatively impact groundwater resources. The physical improvements are primarily taking place within existing developed or disturbed areas within the winery buildings or vineyards and would not have an impact on the environment, as demonstrated in the CEQA Categorical Exemption Memorandum. Various County divisions and departments have also reviewed the project and commented regarding the existing and proposed cave development, existing site access, road and street standards, conservation regulations, wastewater treatment and food services, and fire and life safety. Conditions are identified that will incorporate these comments, along with other project-specific and standard County conditions pertaining to noise, lighting, and water monitoring, into the project approval to assure the protection of the public health, safety, and welfare. Conditions of Approval have been provided from the Engineering Division, the Fire Marshal's Office, and the Department of Public Works.

According to the submitted Water Availability Analysis prepared by O'Connor Environmental, Inc. dated September 18, 2024, the project is not proposing any changes to existing water use over the most recent existing approved entitlement (P17-00129-MOD) and the associated February 27, 2017, Water Availability Analysis, also prepared by O'Connor Environmental, Inc. The submitted Water Availability Analysis and Wastewater Feasibility Study both demonstrate that the proposed project will not cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters, however it was noted that the addition of a high-risk kitchen for on-site food preparation for marketing events was likely to account for some additional water use. An addendum prepared by Matthew O'Connor, PhD (CEG #2449) dated May 9, 2025, stated that the 2017 Water Availability Analysis assumed that marketing

events were catered on-site and accounted for a 15 gallon per guest rate of domestic water use. The addendum also pointed out that the more recent September 2024 WAA estimated that on-site catering would add 5 gallons per guest, or the equivalent of approximately 0.032 acre-feet per year based on the permitted 2,100 marketing event guests per year. This means that the proposed estimated 0.10 acre-feet per year for on-site catered events listed in Table 3 of the September 2024 WAA is 0.068 acre-feet higher than what is to be expected with on-site catering and food preparation. With this clarification in the addendum, staff concluded that no adverse effects on groundwater use or wastewater discharge are to be expected. The Environmental Health Division has reviewed and approved the proposed septic system with conditions. The proposed project did not require a Tier 2 or Tier 3 WAA as the winery and well are not within 500 feet of a neighboring well or 1,500 feet from a significant stream or body of water.

13. The proposed Use Permit complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: Compliance with the Zoning Ordinance

The subject parcel is located in the AW zoning district where wineries with accessory uses are conditionally permitted. The proposed project is compliant with minimum winery building setbacks, as well as maximum winery lot coverage and maximum accessory to production ratio requirements specified in the Napa County Code. In compliance with County Code Section 18.104.200, which establishes a maximum allowable building area for accessory uses at 40 percent, the increased accessory use square footage associated with the requested permit modification is approximately 37 percent of the indoor and outdoor areas dedicated to wine production.

The project site consists of mild to steep slopes, with hillside grading and the covered crush pad proposed on slopes greater than thirty percent and the removal of an existing concrete production area that has a retaining wall. This will involve hillside grading to conform to the existing hillside contours. Under NCC §18.108.040, a Use Permit for an exception to the Conservation Regulations must be approved by the Planning Commission prior to development. The applicant has submitted an application for an exception to the Conservation Regulations and provided the appropriate information to address the requirements for issuance of an exception.

The project intends to minimize grading activity on slopes greater than thirty percent given the proposed improvements and limited site availability. Development areas where slopes are over 30 percent are limited to sections around the cave portals and a section of where the proposed parking area is sited, as well as some sections where driveway improvements will take place. In order to improve the existing driveway and maintain access to the caves, the proposed improvements will impact steep slopes and there are no alternatives that do not have greater environmental impacts. The proposed covered crush pad has been designed to use the available area between the existing cave footprint and access road. Retaining walls are proposed in this area to avoid excessive grading and maintain the surrounding hillside. The structures are designed to fit into the natural topography to reduce earthwork. The overall project will result in less post-project impervious area than pre-project impervious area. As such, the project meets the requirements of the Napa County Code and Zoning Ordinance with the approval of an exception to the Conservation Regulations.

Analysis: Compliance with the General Plan

The General Plan land use designation for the parcel is Agriculture, Watershed and Open Space (AWOS). The intent of the AWOS land use designation is to provide areas where the predominant use is agriculturally orientated and where watersheds are protected and enhanced (Policy AG/LU-20). General uses in the designation include agriculture, processing of agricultural products, and single-family dwellings, and the proposed project is compatible with the intended land use.

Applicable General Plan Policies include:

Policy AG/LU-2: "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Analysis: The proposed project will assist with the continued production and processing of agricultural projects, and their related marketing and sales. Wine production will be enhanced through the alterations and increased production efficiency, and the redevelopment of the cave and winery structure will play a role in both improved production, marketing and sales.

Policy AG/LU-10: New wineries and other agricultural processing facilities as well as expansions of existing wineries and facilities in agricultural areas should be designed to convey their permanence and attractiveness.

Policy CC-2: New wineries and other uses requiring the issuance of a Use Permit should be designed to convey their permanence and attractiveness.

Analysis: The improvements and expansion of this existing winery and facilities have been designed to ensure the long-term viability of the winery operation, and they support its permanence and attractiveness. The improved structure and garden plaza will enhance its aesthetic value while also reducing impervious surface.

Policy CC-6: The grading of building sites, vineyards, and other uses shall incorporate techniques to retain as much as possible the natural landform appearance. Examples include: The overall shape, height, and grade of any cut or fill slope shall be designed to simulate the existing natural contours and scale of the natural terrain of the site.

Analysis: A portion of the grading that is proposed and will require an exemption to the Conservation Regulations will be restoring the natural slope of the surrounding hillside that was altered when the site was originally developed.

Policy CC-10: Consistent with the County's Viewshed Protection Program, new developments in hillside areas should be designed to minimize their visibility from the County's scenic roadways and discourage new encroachments on natural ridgelines. The County shall continue implementation of the Viewshed Protection Program and shall apply the protective provisions of the program to all public projects.

Analysis: The proposed project will be maintaining the existence of a stand of approximately

five non-native pine trees in order to meet the visibility determination described in NCC §18.106.040(B), so that the project cannot be viewed from a designated public road due to surrounding topography and existing vegetation. Both the topography and the existing vegetation, primarily the non-native pine species that were originally marked for removal, provide adequate screening from Silverado Trail, a designated Napa County Viewshed Road, and in terms of visibility, the project can be cleared for further processing pursuant to the code. As part of the requirements of §18.106.040(B) and further described in the Conditions of Approval, the property owner shall be required to execute and record in the county recorder's office a use restriction requiring the existing covering vegetation to be maintained, or replaced with equivalent vegetation so to prevent the project from being viewed from any designated public road.

Policy CON-20: The County shall monitor biodiversity and habitat connectivity throughout the County and apply appropriate adaptive management practices as necessary to achieve applicable Natural Resources Goals. Changing conditions may include external forces such as changing state or federal requirements, or changes in species diversity, distribution, etc.

Analysis: The applicant submitted a Biological Resources Assessment prepared by Salix Consulting, Inc. dated July 2024 (See Attachment G). Findings included sections on soils, climate, biological communities, aquatic resources, wildlife occurrences and use, and special-status species. The study identified 33 regionally occurring special status plants that were considered for this project. Twenty-three of them could be eliminated by elevation or substrate and the remaining ten were considered based on micro habitat and probability of occurrence and each one was ruled out primarily based on visual observation of the habitat and the very small footprint of the study area. A formal rare plant survey was not recommended as needed, however an addendum to the Biological Resource Assessment was submitted in the form of a Biologist Memorandum to address further identification of all proposed tree removal (one oak tree to be removed) and the location of plant communities on maps prepared by the biologist, discrepancies on the location of a sensitive plant species (*Penstemon newberryi* var. *sonomensis* – Sonoma Beardtongue), and the identification of the project site as a wildlife corridor or conservation planning linkage (See Attachment G). The memorandum concluded that no adverse impacts will occur from the project on these species and the greater wildlife corridor.

Policy CON-24: Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through appropriate measures including one or more of the following: c) Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Removal of oak species limited in distribution shall be avoided to the maximum extent feasible.

Analysis: The original project proposal included the removal of two oak trees, however through revised plans and resubmittals the applicants reduced this to the removal of one oak tree with plans for replanting at a 3:1 ratio. The Biologist Memorandum identified the one oak tree to be removed as being located near the wine cave, smaller than the adjacent oak trees be preserved, and on the edge of the woodland habitat. The applicant has included as part of their project description plans to have the tree surveyed for bats or nesting birds prior to removal. As such, with a 3:1 replacement as part of the proposal, the project supports Policy CON-24 and the maintenance and improvement of oak woodland habitat.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeological studies have shown

that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that will alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Analysis: According to the submitted Water Availability Analysis prepared by O'Connor Environmental, Inc. dated September 18, 2024, the project is not proposing any changes to existing water use based on the approval of P17-00129-MOD and the associated February 27, 2017 Water Availability Analysis, also prepared by O'Connor Environmental, Inc. Upon staff review, comments and conditions received from the Engineering Division and Conservation Team, the submitted Water Availability Analysis and Wastewater Feasibility Study both demonstrate that the proposed project will not cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters, however it was pointed out that the addition of a high-risk kitchen for on-site food preparation for marketing events was likely to account for some additional water use. An addendum prepared by Matthew O'Connor, PhD (CEG #2449) dated May 9, 2025 was submitted which highlighted the fact that the 2017 Water Availability Analysis implicitly assumed that the marketing events were catered on-site and accounted for a 15 gallon per guest rate of domestic water use. The addendum also pointed out that the September 2024 study estimated that on-site catering would add 5 gallons per guest, or the equivalent of approximately 0.032 acre-feet per year based on the permitted 2,100 marketing event guests per year. This essentially means that the proposed estimated 0.10 acre-feet per year for on-site catered events listed in Table 3 of the September 2024 WAA is actually 0.068 acre-feet higher than what is to be expected with on-site catering and food preparation. With this clarification, staff has concluded that no adverse effects on groundwater use and discharge are to be expected. The Environmental Health Division has reviewed and approved the proposed septic system with conditions.

Goal E-1: Maintain and enhance the economic viability of agriculture.

Analysis: General Plan Goal E-1 is intended to support the maintenance and enhancement of the economic viability of agriculture through a handful of policy measures. Of these measures, aspects such as economic agriculture viability through tourism and the generation of jobs and local spending are supported by the proposed project. Other aspects such as the marketing of Napa County goods, services, and lifestyle are also supported by the project.

14. The proposed Use Permit would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of the County Code.

Analysis: As discussed in Finding 12 and under General Plan CON-55, the project will not cause significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County. The project does not present an increase in overall water use, and any changes in wastewater generated are addressed through the improvements and updates to the existing wastewater system, and that the project proposal will be able to adequately treat and disperse onsite all production and domestic wastewater generated.