



# Napa County

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## Legislation Text

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**TO:** Napa County Planning Commission

**FROM:** Matt Ringel for Brian D. Bordona - Director Planning, Building, and Environmental Services

**REPORT BY:** Matt Ringel, Planner II

**SUBJECT:** Vida Valiente Winery Use Permit Application #P20-00079-UP

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### RECOMMENDATION

HAYES DRUMWRIGHT / VIDA VALIENTE WINERY / WINERY USE PERMIT #P20-00079

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: Biological Resources, Cultural Resources, and Transportation. 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 to allow a new winery with an annual production capacity of 30,000 gallons per year with the following characteristics: 1) Construction of a new 17,722 sq. ft. winery facility containing 10,762 sq. ft. of production space and 6,960 sq. ft. for accessory uses; 2) Construction of a new 13,675 sq. ft. wine cave containing 11,233 sq. ft. of production space, 1,335 sq. ft. for accessory uses, and 1,107 sq. ft. of water storage; 3) Removal of 0.8 acres of woodland canopy, and the planting/preservation of 2.4 acres of woodland canopy on the project parcel and neighboring parcel under common ownership; 4) Removal of approximately 0.15 acres of vineyard for access improvements; 5) Excavation of approximately 19,400 cubic yards of spoils associated with the cave and construction of structural pads; 6) Onsite parking for 10 vehicles; 7) Up to five (5) full-time employees, two (2) part-time employees and two (2) seasonal employees; 8) On-site domestic and process wastewater treatment systems; 9) Hours of operation seven days a week: production 6:00 a.m. to 6:00 p.m. (non-harvest), visitation 10:00 a.m. to 6:00 p.m. and marketing events 6:00 p.m. to 10:00 p.m. (conclusion of cleanup); 10) Tours and tastings by appointment only for a maximum of 28 visitors per day with a maximum of 120 visitors per week; 11) Establishing a marketing program, which may include catered events, as follows; i) Two (2) Wine and Food Pairings monthly for up to 24 guests; ii) Three (3) Wine Release/Wine Club Events annually for up to 60 guests; iii) Two (2) Large Auction Events annually for up to 125 guests; 12)

On-premise consumption of wines produced on-site within outdoor hospitality areas, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB 2004); and 13) Driveway expansion to meet commercial standards, landscaping, and other improvements associated with wineries. The project is located on an approximately 16.93-acre & 1.15-acre parcels within the Agricultural Watershed (AW) zoning district with a General Plan land use designation of Agriculture, Watershed, and Open Space (AWOS) at 407 Crystal Springs Road, St. Helena, CA 94574; APNs: 021-410-013-000 & 021-372-001-000.

Staff Recommendation: Adopt the Initial Study/Mitigated Negative Declaration prepared for the project and approve Use Permit Application No. P20-00079-UP, as conditioned.

Staff Contact: Matt Ringel, Planner II, [Matthew.ringel@countyofnapa.org](mailto:Matthew.ringel@countyofnapa.org), (707) 299-1351

Applicant Contact: Hayes Drumwright, 16 Calle Ameno, San Clemente, CA, [Hayesdrumwright@gmail.com](mailto:Hayesdrumwright@gmail.com), (949) 278-1234

Applicant Representative Contact: Donna Oldford, Plans4Wine, [dboldford@aol.com](mailto:dboldford@aol.com), (707) 963-5832

## **EXECUTIVE SUMMARY**

Proposed Actions:

That the Planning Commission:

1. Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) based on recommended Findings 1-7 in Attachment A;
2. Approve Use Permit No. P20-00079-UP based on recommended Findings 8-12 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B.

Discussion:

The project applicant requests approval of a Use Permit to allow for the establishment of a 30,000 gallon per year winery. The proposed winery facility is stepped into a hillside and consists of three building elements; a production winery located at the west side of the development area; an accessory/hospitality area at the east side; and a hospitality section bridging the two together. The three areas are connected via outdoor walkways

that consist of an elliptical glass pavilion. The project proposes construction of a new 17,722 sq. ft. winery facility containing 10,762 sq. ft. of production space and 6,960 sq. ft. for accessory uses. Additionally, 13,675 sq. ft. of wine, hospitality, and water storage caves are proposed to be carved into the hillsides behind each of the three structures. The project proposes the removal of 0.8 acres of woodland habitat, and the planting/preservation of 2.4 acres of woodland canopy on the project parcel and neighboring parcel under common ownership. Proposed site access improvements require the removal of approximately 0.15 acres of vineyard. The winery would include a visitation and marketing plan that would allow up to 28 visitors per day, with a maximum of 120 per week, for tours and tastings. The winery would hold up to twenty-four (24) events per year with up to 24 guest per event and wine and food pairing, three (3) events per year with up to 60 guests per event and wine release and wine club events, two (2) events per year with up to 125 guests per event. Larger events will have shuttle services and valet parking. A total of ten (10) parking spaces are proposed, including one (1) ADA space. For larger events, vineyard rows can accommodate a number of valet-parked cars. The winery includes two outdoor work areas/crush pads, for a total of 3,045 sq. ft. of covered outdoor area and 2,275 of uncovered outdoor area. The applicant requests up to five (5) full-time employees, two (2) part-time employees, and two (2) seasonal employees.

Staff has reviewed the proposed project and supports granting approval, subject to the attached findings and recommended Conditions of Approval included in Attachments A and B, respectively. Wineries are conditionally permitted uses within the Agricultural Watershed (AW) zoning district. The project is located within 0.3-miles of six existing wineries and is surrounded with residential homes primarily containing agricultural uses, as well as vacant land. Approximately half of the project parcel is undeveloped and steep hillside, one-third of the parcel is existing vineyard, and the remaining portion will be the proposed winery development area. The proposed winery site is primarily on top of where the fire-destroyed single-family residence previously existed. The increase in water demand from implementation of the winery would be approximately .0472 acre-feet per year (af/yr), bringing the parcel's proposed water usage to 3.0 af/yr. The Water Availability Analysis, prepared by Richard C. Slade & Associates LLC (RCS), details that the proposed 3.0 af/yr water usage is below the parcel's estimated yearly groundwater recharge total of 5.4 af/yr. Wastewater disposal would be accommodated by one of two options that were evaluated in the Water Feasibility Report, prepared by Applied Civil Engineering.

Based on the reasons stated above, staff recommends approval of the project, subject to the recommended Conditions of Approval.

## **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** 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: Biological Resources, Cultural Resources, Noise, and Transportation. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

## **BACKGROUND AND DISCUSSION**

**Owner/Applicant:** Hayes Drumwright, hayesdrumwright@gmail.com or (949) 278-1234

**Representative:** Donna Oldford, Plans4Wine., doldford@aol.com or (707) 963-5832

**Zoning:** Agricultural Watershed (AW)

**General Plan Designation:** Agriculture, Watershed and Open Space (AWOS)

**Parcel size:** 16.93-acres & 1.15-acre parcels

**Application Filed:** March 4, 2020; Resubmittal Received: December 1, 2022. Application Deemed Complete: December 31, 2022.

**Courtesy Notice Sent:** July 2020

**State Clearinghouse Number:** 2023110065

**Existing Development:** The project parcel was impacted by the 2020 Glass Fire and the fire destroyed almost all development on the parcel, including a single-family residence, a shed that served as a horse barn, a swimming pool, access and utility infrastructure. The only infrastructure left intact was the existing groundwater well. The fire also burned and destroyed the forest behind the property. Trees that were destroyed and determined a hazard to public safety were removed from the site. Approximately 3.2 acres of vineyard was planted on the project parcel following the 2020 Glass Fire.

**Proposed Winery Building Size:** 17,722 sq. ft.

**Proposed Cave Size:** 13,675 sq. ft. (Type III)

**Proposed Winery Development Area:** 21.150 sq. ft. or 0.482-acres

**Proposed Winery Coverage Area:** 61,100 sq. ft. or 1.55-acres (maximum allowed: 25 percent or approximately 4.23 acres).

**Proposed Accessory/Production Ration:** 37.7 percent (maximum allowed: 40 percent)

**Proposed Production Capacity:** 30,000 gallons

**Proposed Number of Employees:** Five (5) full time, two (2) part time, and two (2) seasonal harvest employees.

**Proposed Visitation:** Hosted daily, tours and tasting by appointment for a maximum of twenty-eight (28) visitors per day with a maximum of 120 visitors per week, resulting in 6,240 visitors per year.

**Proposed Marketing Program:** A total of twenty-four (24) marketing events per year allowing a maximum of 24 guests, three (3) marketing events per year allowing 60 guests, and two (2) marketing events per year allowing a maximum of 125 guests. The total amount of annual marketing guests allowed under the proposed program is 1,006.

**Proposed Days and Hours of Winery Production:** 6:00 A.M. - 6:00 P.M. Monday through Sunday

**Proposed Days and Hours of Visitation:** 10:00 A.M. - 6:00 P.M. Monday through Sunday

**Proposed Hours of Marketing Events:** 6:00 P.M. - 10:00 P.M.

**Proposed Parking:** Ten (10) parking stalls, one (1) ADA compatible

**Setbacks:**

**Required road setbacks:** 30 feet from the centerline of Crystal Springs Road

**Required property line setbacks:** 20 feet front, side, and rear yards setbacks.

**Existing Setbacks:** There are no existing structures remaining on site.

**Proposed Setbacks:** All winery related buildings are 300 or more feet away from the centerline of Crystal Springs Road.

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

**North:** Agricultural, Watershed, and Open Space (AWOS) General Plan land use designation / Agricultural Watershed (AW) Zoning District / winery, agriculture, single-family residential, reservoir land uses

**South:** Agricultural, Watershed, and Open Space (AWOS) General Plan land use designation / Agricultural Watershed (AW) Zoning District / vacant forest land uses

**East:** Agricultural, Watershed, and Open Space (AWOS) General Plan land use designation / Agricultural Watershed (AW) Zoning District / single-family residential, agriculture land uses

**West:** Agricultural, Watershed, and Open Space (AWOS) General Plan land use designation / Agricultural Watershed (AW) Zoning District / single-family residential, agriculture land uses

**Wineries in 0.3 Mile Vicinity:**

Merus Wines, Woodbridge Winery, Chateau Boswell, Hunnicut Winery, Rombauer Vineyards, Ehren Jordan Wine Cellars.

**Parcel History:**

The project parcel was impacted by the 2020 Glass Fire and the fire destroyed almost all development on the parcel, including a single-family residence, a shed that served as a horse barn, a swimming pool, 3.2-acres of existing vineyard, access and utility infrastructure. The only infrastructure left intact was the existing groundwater well. The fire also burned and destroyed the forest behind the property. Trees that were destroyed and determined a hazard to public safety were removed from the site.

### Code Compliance History:

There are no records of prior code violations related to the project site.

### Discussion Points:

**Setting** - Access to the project site is located off of Crystal Springs Road, approximately two (2) miles due north of the boundaries of the City of St. Helena, 0.3 miles due south from Bell Canyon Reservoir and one (1) mile along Crystal Springs Road from the intersection of Silverado Trail and Crystal Springs Road. The project includes two (2) parcels, APN 021-410-013 and 021-372-001-000, approximately 16.93 acres and 1.15 acres in size and includes an existing driveway and approximately 3.2 acres of vineyards. APN 021-410-013 was burned in the summer of 2020 by the Glass Fire and prior to the fire damage the existing conditions included a single-family residence, a horse barn and a swimming pool. Immediately adjacent to Crystal Springs Road the site is generally flat with slopes between zero (0) and five (5) percent with the lowest elevation of 310 feet above mean sea level (amsl) along the northwest end of the parcel where it abuts Bell Creek. Further south the parcel elevation rises significantly, achieving slopes over 50%, and the property rises to achieve its highest elevation at 670 feet amsl. According to County of Napa Environmental Mapping (GIS Vegetation layer) the lower elevations of the property are identified as agriculture or urban while the sloped portion of the property identify as a Douglas-Fir Forest, however much like the prior existing single-family residence and accessory structures the vegetation canopy cover was largely destroyed in the Glass Fire and has not recovered. Soil types include Cortina very stony loam, zero (0) to five (5) percent slopes and forward silt loam, 12 to 57 percent slopes, Major Land Resource Area (MLRA) 15 - Central California Coastal Range. Land uses in the area are dominated by large lot residential properties, wineries, and vineyards. There are several residences that measure between approximately 480 - 700 feet from the proposed winery.

**Winery Proposal** - The proposed project includes the construction of three structures that would be connected via a walkway/bridge structure. Each building would be tucked into the hillside and include independent caves systems. The first building will be approximately 10,000 sq. ft. and will primarily be for wine production, with a tank room, crush pads, and offices. The first building will lead into a 9,113 sq. ft. production cave, which will include barrel storage. The second building will be approximately 4,000 sq. ft and will primarily be for hospitality and include a commercial kitchen. The first building will lead into a 1,335 sq. ft. hospitality cave. The third building will be approximately 3,500 sq. ft. and will primarily be for tasting, which will include tasting rooms, offices, and staff break rooms. Behind the third building will be trash enclosures and a cave that includes 1,107 sq. ft. for storage and 1,699 sq. ft. for water storage. In front of each structure will be one contiguous garden area, which will be used for outdoor seating and onsite consumption of wine (AB 2004).

**Road and Access Improvements** - The applicant proposes access improvements to Crystal Springs Road. The proposed winery will include a driveway provides primary and secondary access by connecting to Crystal Springs Road in two locations. The driveway would be constructed consistent with Napa County Road and

Street Standards.

**Visitation and marketing** - Consistent with the definition of “marketing of wine” (County Code Section 18.08.370), the applicant proposes a visitation and marketing program to include tours and tastings for up to 28 guests per day with a maximum of 120 guests per week. Visitation would be by appointment only and would occur between the hours of 10:00 a.m. and 6:00 p.m., Monday-Sunday. The applicant also proposes a total of twenty-four (24) marketing events per year allowing a maximum of 24 guests, three (3) marketing events per year allowing 60 guests, and two (2) marketing events per year allowing a maximum of 125 guests. The total amount of annual marketing guests allowed under the proposed program is 1,006.

**Ground Water** - A Water Availability Analysis was prepared by Richard C. Slade & Associates LLC (RCS Report), dated March 5, 2021 and a subsequent addendum was prepared by RCS, dated October 4, 2022. As directed by the County Water Availability Guidelines (May 2015) the report includes a Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis, a Tier 2 well interference analysis, and a Tier 3 surface water interference analysis.

The Tier 1 analysis considered existing use onsite to include the previously existing fire-destroyed single-family residence, residential pool, and vineyard irrigation. The existing (pre-fire) groundwater usage is estimated at 2.6 af/yr. The proposed new project would increase groundwater use by 0.472 af/yr resulting in an overall water usage of 3.0 af/yr.

Due to the parcel location outside of the GSA boundary, a parcel specific recharge calculation was prepared. In calculating the recharge for the 16.9-acre parcel, the analysis included a conservative approach that removed 6.4-acres of the hillside portion of the site due to steep slopes. In areas where slopes exceeded 30%, rainfall predominantly runs off the natural grade and is not able to percolate into the groundwater aquifer. Portions of the subject parcel that includes slopes less than 30% is approximately 10.5-acres. This acreage was used as the recharge area. The groundwater recharge was estimated by reviewing the soil properties and geological materials present and their ability to percolate groundwater to the saturated zone of the aquifer. Sonoma Volcanics are the primary water bearing geological formation in the location of the parcel. The WAA estimated that 14% of the average rainfall that occurs within the watershed is able to deep percolate as groundwater recharge. The analysis used the PRISM data aggregated from 29 years of recorded data. The average annual rainfall collected over this time period is reported to be 38.3-inches per year. After conservatively removing the portions of the parcel with 30% or greater slope, the estimated parcel specific recharge rate is 5.4 af/yr, which is below the proposed groundwater use of 3.0 af/yr. The proposed water use would not impact groundwater availability.

<u>Source of Demand</u>	<u>Existing (acre-ft.)</u>	<u>Proposed (acre-ft.)</u>	<u>Difference (acre-ft.)</u>
Primary Residence	0.75	0	-0.75
Pool	0.1	0	-0.1
Vineyard	1.710	1.605	-0.105
Process Water	0	0.645	0.645
Domestic & Landscaping	0	0.5	0.5
Employees	0	0.156	0.156
Tasting Room Visitation	0	0.094	0.094
Events and Marketing, with onsite catering	0	0.032	0.032
Total	2.6	3.0	+0.472

Per the WAA Guidance (adopted May 12, 2015) Document (the County’s WAA), a Tier 2 analysis was performed to analyze neighboring well interference on one off-site well (Neighbor Well) located within 500 feet of the project well (drilled January of 2023). The project well is located on the northwestern portion of the property, at the base of the site’s hillside. To calculate the theoretical amount of water level drawdown interference that might possibly be induced in the offsite Neighbor Well by the future pumping of the project well and to satisfy Tier 2 requirements, RCS performed a predictive simulation of the potential (theoretical) water level drawdowns that might occur in the region due to future pumping by the project well.

Using aquifer data derived from a July 13, 2022 aquifer test, a “Theoretical Drawdown Calculations, Predictive Simulation” was prepared to show the theoretically-calculated water level drawdown values in the Neighbor Well that might occur after pumping the project well for a continuous period of eight hours at a constant pumping rate of 50.4 gpm. The simulation estimates that water interference declines in the Neighbor Well are expected to be less than one foot after two hours of pumping at the project well, and less than two feet after eight hours of pumping at the project well. The calculated theoretical water level drawdown interference values for the Neighbor Well are below the acceptable values defined in the “Default Well Interference Criteria” shown on Table F-1 of the County WAA. Per the County’s WAA, water level drawdown interference is not considered significant if the included drawdown interference is less than 15 feet for off-site wells that have a casing diameter greater than six inches (the casing diameter of the Neighbor Well is eight inches).

Per the County's WAA, a Tier 3 analysis was performed to evaluate potential groundwater to surface water interaction. The project well is approximately 300 feet from Bell Creek, which traverses the northwest corner of the subject property. Bell Creek is a designated Significant Stream. According to the RCS Report, the project well has a cement sanitary seal that is as deep as, or deeper, than the interpreted bottom-depth of the quaternary alluvium in the area, the same alluvium across which both branches of Bell Creek flows. These cement seals prevent surficial water (if any) from entering the upper portions of the well. In addition, the shallowest perforations in the project well is at a depth of 160 ft bgs, and derives water from the volcanic rocks. Hence, groundwater pumped from the project well originates from the fractures and/or pore spaces in the volcanic earth materials at and below the depth of the upper perforations in the well. The significant elevation difference between the water level elevations in the well and the surfaces of the stream channels is significant evidence to support the assertion that the well is not hydraulically connected to Bell Creek. Due to these factors, the project well is not in direct hydraulic connection with Bell Creek.

**Public Trust** - The public trust doctrine requires the state and its legal subdivisions to “consider,” give “due regard,” and “take the public trust into account” when considering actions that may adversely affect a navigable waterway. (Environmental Law Foundation v. State Water Resources Control Bd. ; San Francisco Baykeeper, Inc. v. State Lands Com.) There is no “procedural matrix” governing how an agency should consider public trust uses. (Citizens for East Shore Parks v. State Lands Com.) Rather, the level of analysis “begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust.” (Environmental Law Foundation, 26 Cal.App.5th at p. 403.). As demonstrated in the Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case, that arose in the context of a lawsuit over Siskiyou County's obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA). As disclosed and assessed in the Initial Study/Mitigated Negative Declaration and the WAA, the County concludes that no harm to (or less-than-significant impacts on) public trust resources would result from the proposed project.

The project's impacts on Bell Creek (significant streams) is anticipated to be avoided by establishing buffers and setbacks in compliance with County requirements for minimum setbacks. The project design complies with designated stream setbacks established by the Napa County Conservation Regulations and County Code Section 18.108.025. Additionally, the conclusions of the RCS Report demonstrate that there is no groundwater - surface water connection.

**Sanitary Waste Disposal** - A Wastewater Feasibility Study, dated December 7, 2021, was prepared by Applied Civil Engineering. Two options are currently proposed for the winery's sanitary wastewater and process water systems. The Water Feasibility Study reviews both a combined sanitary and process wastewater subsurface drip disposal field and a sanitary wastewater subsurface drip disposal field and process wastewater system for irrigation.

The first proposed system is a combined sanitary and process wastewater subsurface drip disposal field system, where both the sanitary and process wastewater from the winery would be pretreated in a single pretreatment system and disposed of in a subsurface drip type septic system. The proposed system would require a 2,600 square foot subsurface drip disposal field, to be located southeast of the proposed winery. The second option is a sanitary wastewater subsurface drip disposal field and process wastewater treatment system for irrigation. This option is similar to the first, with sanitary wastewater being disposed of in a subsurface drip system, but the winery process wastewater would be collected separately, pretreated, stored and dispersed of via a surface irrigation system. This system would require a smaller subsurface drip disposal field because only includes sanitary wastewater.

The process waste systems will be designed per RWQCB and PBES requirements. The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans must be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required.

Based on the proposed uses, the onsite public water system will be classified as a transient noncommunity (TNC) public water system per the State of California Drinking Water Requirements. Additionally, the applicant proposes installing water storage underground within the southeastern portion of the cave system. The proposed water tanks within the cave system will be used for fire suppression.

**Greenhouse Gas Reduction Strategies** - The applicant intends to implement voluntary best management practices to reduce GHG emissions resulting from implementation of the project (Attachment D). These practices include use of bike riding incentives, wastewater disposal by on site percolations and subsurface irrigation, onsite stormwater management, natural lighting (skylights), LED lighting, a green living roof above the tasting room, water efficient fixtures, water efficient landscaping, and a production facility within the hillside which utilizes natural temperature control from the earth. Additionally, the applicant proposes to create riparian habitat, which would sequester carbon.

**Grape Sourcing** - The proposed winery will have a maximum production of 30,000 gallons of wine. The 3.2 acres of on-site vineyards will provide approximately 6,144 gallons of wine. The remaining 23,856 gallons to achieve maximum production will be procured from on-haul fruit. The applicant plans on procuring fruit from as close to the facility as possible. The applicant has signed the County's 75 Percent Grape Source Agreement.

**Noise** - The proposed project would result in a temporary increase in noise levels during grading and construction activities and the intermittent increase of ambient noise resulting from wine making and visitation. However, noise generated during by construction activities would be limited to daylight hours and the use of properly muffled vehicles. Outdoor amplified music is not proposed.

Illingworth & Rodkin prepared a March 1, 2022 Noise and Vibration Assessment for the proposed project.

- **Mechanical Equipment:** Mechanical equipment associated with the project would generally be located within winery buildings and caves. This equipment includes an electric fire pump, water processing equipment, air compressors and chillers. A generator is proposed to be installed outside, but operations will be during emergencies. Mechanical equipment, such as refrigeration equipment required for production, would be located a minimum of 480 feet from the nearest residential outdoor use areas. The sound pressure level resulting from full-load operation is calculated to be 40 dBA L50 or less, which would not exceed the 50 dBA L50 daytime noise limit or 45 L50 nighttime noise limit established by Napa County. Other receptors in the project vicinity would be further from the mechanical equipment, and therefore, exposed to lower levels of noise.
  
- **Maintenance and Forklift Operations:** Since maintenance and forklift operations would be located a minimum of 480 feet from the nearest residential outdoor use area (R2), the sound pressure level resulting from these activities is calculated to be 47 dBA L25 or less, which would not exceed the 55 dBA L25 daytime noise limit or the 50 dBA L25 nighttime noise limit. Other receptors in the project vicinity would be farther from the maintenance and forklift operations, and therefore, exposed to lower levels of noise.
  
- **Bottling Activities:** Bottling would occur over a period of a few weeks per year during the daytime. The analysis conservatively assumes that bottling will be done with a mobile bottling truck at the covered outdoor work area approximately 480 feet from the closest portion of the residential outdoor use area of R2. At the closest residential outdoor use area, bottling noise levels are calculated to be 47 dBA L50 or less, and would not exceed the 50 dBA L50 noise limit.
  
- **Seasonal Crush Activities:** Crush activities typically occur for a period of about six to eight weeks per year; however, such activities would not occur on a daily basis during this timeframe and are expected to primarily occur within the winery building and the covered outdoor work area on the northwest end of the building. Average noise levels resulting from crush activities are typically constant on an hourly basis, producing average noise levels of 64 dBA L50 and discrete maximum noise events of 70 to 80 dBA Lmax at 50 feet from the center of operations assuming unshielded conditions. Such activities would occur approximately 480 feet from the closest portion of the residential outdoor use area of R2. At the closest residential outdoor use area, crush noise levels are calculated to be 44 dBA L50 or less, and would not exceed the 50 dBA L50 daytime noise limit or 45 dBA L50 nighttime noise limit.
  
- **Noise levels produced by discrete maximum noise events** would range from 50 to 70 dBA Lmax at 480 feet (R2) assuming unshielded conditions, which would be less than or equal to the 70 dBA Lmax daytime noise limit and potentially exceed the 65 dBA Lmax nighttime noise limit. Other receptors in the project vicinity would be further from the crushing activities and partially or fully shielded by the intervening winery building, and therefore, exposed to lower level of noise.

- Tasting and Marketing Activities: A credible worst-case analysis assumed that events would occur outdoors at the tasting room terrace. Outdoor amplified music is prohibited, so the primary noise source associated with the event would be raised conversations. The acoustic center of the noise produced by marketing events outdoors on the tasting room terrace would be 580 feet from the residence R4, 480 feet from the residence R5, and 440 feet from the residence R6. Receptors R1 to R3 would be shielded by the intervening tasting room building and located approximately 700 feet or more from the tasting room terrace. The predicted noise level from marketing events would be 43 to 45 dBA L50 at the nearest, unshielded residential areas of R4, R5, and R6, which would not exceed the daytime noise level threshold of 45 dBA L50 (corrected for the character of sound). Noise levels produced by wine and food pairing events or daily tastings would reach 36 to 38 dBA L50 at the nearest residences (R4, R5, and R6) and would also remain below the daytime noise level threshold of 45 dBA L50. There would be no prohibitions on events held inside the building, or within the wine cave, provided that doors and windows remain closed.

Illingworth & Rodkin's Noise Study references the potential for discrete maximum noise events, related to seasonal crush activities, to potentially exceed the 65 dBA Lmax nighttime noise limit. Napa County Code establishes this noise limit. The winery's adherence to County Code will ensure that no impact to noise will occur. Napa County Code Enforcement division enforces Napa County Code.

**Biology** - Immediately adjacent to Crystal Springs Road the site is generally flat with slopes between zero (0) and five (5) percent with the lowest elevation of 310 feet above mean sea level (amsl) along the northwest end of the parcel where it abuts Bell Creek. Further south the parcel elevation rises significantly, achieving slopes over 50%, and the property rises to achieve its highest elevation at 670 feet amsl. According to County of Napa Environmental Mapping (GIS Vegetation layer) the lower elevations of the property are identified as agriculture or urban while the sloped portion of the property identify as a Douglas-Fir Forest, however much like the prior existing single-family residence and accessory structures the vegetation canopy cover was largely destroyed in the Glass Fire and has not recovered. Following the destruction of the Glass Fire, the applicant removed damaged trees that were deemed a safety hazard. Of this, 0.8 acres of previously existing woodland habitat is being converted to winery development area. The conversion of fire-damaged habitat to winery development area is subject to Napa County's canopy retention policy.

In the early fall of 2020, the Glass Wildfire occurred and impacted the subject parcel and proposed project site. The Glass Wildfire destroyed 82 trees that were previously located within the project site. Following the direction of an arborist, the property owner removed all destroyed tree within the project site, as they risked a potential hazard to human health and safety. The proposed project does not propose the removal of any native trees.

According to the GIS layer - Natural Diversity Database (CNDDDB), the *Calistoga ceanothus* (*Ceanothus divergens*) has the potential to be located within the region of the proposed project. The Biological Resource Assessment, prepared by Northwest Biosurvey on August 26, 2020, and subsequently updated on April 7, 2021,

references that the project site has poor habitat for the species and a field survey did not find any plants that would qualify as special-status species.

The GIS layer - CNDDDB Owl Habitat, shows the potential for suitable owl habitat to occur on the subject parcel. Northwest Biosurvey recommends owl surveys prior to any on site timber operation. For this reason, and in order to mitigate any potentially significant impacts to owls, mitigation measure BIO-1 requires Northern Spotted Owl and raptor surveys prior to any on site vegetation removal.

Northwest Biosurvey completed a bat habitat survey for trees within the surrounding region of the project site and found that these trees (primarily Douglas Fir) lack the necessary hollows and peeling bark to serve as bat roosting sites. No mitigation is required because of this factor and that the proposed project site is currently void of trees and proposes no native tree removal.

The National Wetlands Inventory identifies Bell Creek as a Freshwater Emergent Wetland. There are no other identified state or federally protected wetlands located within or adjacent to the project. The project would not have a substantial adverse effect on Bell Creek. No development is proposed adjacent to Bell Creek which would potentially remove, fill, or interrupt the river hydrologically. The project parcel has an existing manmade drainage channel that runs through the existing vineyard and drains into Bell Creek. The proposed project includes stormwater and sediment control measures to deter sediment from entering the manmade drainage and subsequently into Bell Creek. It is unclear at this time whether permits from agencies with potential jurisdiction over Bell Creek could be required. For this reason, and in order to mitigate any potentially significant impacts to Bell Creek, mitigation measure BIO-2 requires the applicant to obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the Regional Water Quality Control Board, and a 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife or demonstrate that the appropriate agencies have determined that associated applications are not required prior to the issuance of building or grading permits

The riparian habitat surrounding Bell Creek is a natural channel for native species travel throughout the region. Mitigation Measure BIO-3 has been implemented to ensure that fencing is not to be installed around Bell Creek. This measure will ensure that there is a less than significant impact to habitat fragmentation.

Based on the property zoning of Agricultural Watershed (AW) the project is subject to the vegetation canopy cover retention and removal mitigation requirements pursuant to the Conservation Regulations Napa County Code Section 18.108.020. This section requires 70% retention of the vegetation canopy cover on the parcel (or contiguous parcels under common ownership), and that any vegetation canopy cover removed as part of the project be mitigated at a 3:1 ratio (by acreage) via preservation or restoration, and permanently preserved through deed restriction or other means acceptable to the County. Due to impacts from the fires in 2020, the vegetation canopy cover analysis shall be as configured on the parcel existing on June 19, 2018, pursuant to NCC Chapter 8.80.130, Conservation Regulations for Fire Damaged Properties.

The vegetation canopy cover subject to NCC 18.108.020 includes the oak woodland and coniferous forest vegetation communities. The applicant submitted a Canopy Retention Analysis, prepared by Applied Civil Engineering, dated February 2020. As determined by Applied Civil Engineering, the total June 19, 2018, canopy cover was approximately 13 acres. The total acreage of canopy cover considered for removal and conversion to winery development area is calculated at 0.8 acres, which only includes area from trees already removed following the 2020 Fire. As proposed, the project would plant approximately 2.4 acres, resulting in an 93% retention compared to the 2018 condition. This is in compliance with NCC Section 18.108.020(C). The proposed total canopy cover removal of 0.8 acre would require approximately 2.4 acre of planting or preservation area to comply with 3:1 preservation ratio found in NCC Section 18.108.020(D), which establishes criteria for replacement and preservation of vegetation canopy cover dependent of parcel specific characteristics.

Approximately 0.22 acres of habitat is proposed to be restored and preserved on land with slopes of 30% or less, consistent with 18.108.020(D)(1). Due to existing vineyards, parcel topography, and stream setback, no other land meeting the criteria of 18.108.020(D)(1) is available for preservation. Approximately 1.2 acres of habitat is proposed for restoration and preservation on land with slopes of 30% to 50%, consistent with 18.108.020(D)(2). Due to existing vineyards, parcel topography, and stream setback, no other land meeting the criteria of 18.108.020(D)(2) is available for preservation. The neighboring parcel, to the east, is under common ownership with the winery parcel. Due to the two parcel's topography and site characteristics, approximately 1 acre of habitat within the stream setback will be restored and preserved, consistent with 18.108.020(D)(3) and 18.108.020(D)(4). A qualified professional biologist has prepared a restoration plan for the proposed actions.

The majority of the area to be restored was impacted by the 2020 Glass Fire; therefore, the applicant has proposed re-establishing and restoring portions of the area proposed for preservation. Within the southern portion of the manmade drainage, surrounding Bell Creek, the applicant has proposed removing exotic and invasive species. This includes the removal of Himalayan Berry, Sweet Fennel, French Broom, Star Thistle, Caper Spurge, and Giant Reed Grass. The removal of these exotic and invasive species will better allow for the establishment of native hardwoods that are to be planted in the area. The applicant proposes planting three (3) White Oaks, ten (10) redwoods, fifty (50) blackberry, and thirty (30) leafy buckwheat. Additionally, the applicant proposes protecting "legacy trees" by thinning tree sprouts within their driplines. Within the northern section of the manmade drainage, the applicant proposes similar activities, such as exotic/invasive species removal to allow for native hardwoods to establish, planting of five (5) white oak trees, and California fescue between the oak seedlings, and protection of "legacy trees". On the southeastern hillside of the property, approximately where the wastewater drip lines are to be located, the applicant proposes the restoration of the site through the removal of exotic/invasive species such as black lotus, the planting of thirty-five (35) redwood trees, the distribution of California fescue seeds, and the protection of "legacy trees" by thinning tree sprouts within their driplines. Further uphill of this region, on flatter regions of the hillsides, the applicant proposes keeping the burned materials and allow for the natural reestablishment of native vegetation. This restoration is in compliance with NCC Section 18.108.020(D).

In addition to the vegetation canopy cover analysis the oak woodland removal is subject to General Plan Policy CON-24, which requires preservation or replacement of lost oak woodlands at a 2:1 ratio on an acreage basis. Based on the Land Covers figure of the General Plan, the total of oak woodland previously removed due to post-fire safety concerns and newly proposed for removal is 0.8-acre, resulting in a requirement of an approximate 1.6-acre oak woodland preservation area to be consistent with County policy. The Tree Canopy Exhibit and Land Covers Exhibit demonstrate a proposed oak woodland preservation area greater than 1.6-acre, and therefore is consistent with Policy CON-24.

Conditions of approval related to vegetation canopy cover preservation, a perpetual protection easement (or deed restriction), and oak woodland preservation will be included to ensure the site is developed and preservation is incorporated as proposed. The project would not conflict with any local policies or ordinances. A less than significant impact would occur.

**Cultural** - On March 12, 2020, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. The Yocha Dehe Wintun Nation responded by mail to Staff on March 16, 2020, and declined comment as the project site is not located within their aboriginal territories. On March 26, 2020, the Middletown Rancheria contacted Staff by email, informing them that this project does fall within their Area of Concern and requesting copies of the project's Cultural Resource study, proposed plans, and other applicable documents. Subsequent to their review of the documents the tribe contacted Staff on April 17, 2020, informing staff that the tribe was comfortable with the project moving forward due to the involvement of the Mishewal-Wappo Tribe of Alexander Valley and that they would not be requesting tribal consultation under AB 52. No other responses were received within 30-days of the tribe's receipt of the invitations.

Tom Origer & Associates was contracted by the applicant to provide a Cultural Resource Study for the project parcel. A cultural resource study of the property was completed in March of 2018. The survey identified the prehistoric/historical site P-28-001648 and the "Meg's Crown" site on the property.

Investigations of historical site P-28-001648, delineated primarily within the existing vineyard, found that this portion of the site is marked by obsidian debitage and a few obsidian tools. The site appears to be a task-specific site where obsidian was deduced for transport. Obsidian hydration dating indicates that the site was used for nearly 7,500 years, most intensively between AD 330 and 4680 BC. Tom Origer & Associate's research concluded that there is no separation between P-28-001648 and "Meg's Crown" site, an obsidian quarry.

Site P-28-001648 does not meet California Register Criterion 1 through 3. This site does meet California Register Criterion 4, which includes sites that have yielded, or may be likely to yield, information important to the prehistory or history of the local area, California, or the nation. The site provided data that added to our understanding of regional research domains. The quantity of debitage and variety of material shed light on the

phases of tool manufacturing that took place at the site. This is evident by the amount of debitage discarded. Exchange and intergroup contacts were addressed through the analysis of obsidian sources and obsidian hydration dating. Having met Criterion 4, Tom Origer & Associates states that it is unlikely that this portion of the site would yield new information if further work was conducted. Their team has conducted testing and analysis to evaluate the significance of the finds and have determined that no further archeological work, testing, or data recovery is necessary for site P-28-001648. Tom Origer & Associate's study primarily researched site P-28-001648 and referenced that due to limited knowledge of "Meg's Crown" site, additional review should occur to determine the potential significance of the site. Grading is proposed within "Meg's Crown" site; therefore, integrity, or the ability for the resource to convey significance under Criterion 4 of the CRHR, is a potential issue that warrants further investigation. Due to the presence of a potentially significant prehistoric resource within the project area, Mitigation Measure CUL-1 requires further investigations of the development areas prior to issuance of grading, demolition or building permits. Mitigation Measure CUL-2 requires archeological monitoring during ground disturbing activities.

Even with the inclusion of MM CUL-1 & 2, in the event that any archaeological materials are encountered during earth-disturbing activities when an archaeologist is not present the project would be expected to comply with standard Condition of Approval 7.2, and construction of the project would be required to cease, and a qualified archaeologist would be retained to investigate the site. Compliance with both cultural resource mitigation measures and the project's conditions of approval are expected to keep potential impacts to cultural resources from being potentially significant.

**Transportation** - As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. Existing pedestrian and transit facilities serving the site are limited, though given the rural location of the project site and anticipated demand for these modes, this is considered an acceptable condition. There is an existing Class II bike lane on Silverado Trail and along with the shared use of Crystal Springs Road with motorist there is adequate access for bicyclists. The project has been conditioned by the Napa County Public Works Department to provide bicycle parking spots to provide for adequate bicycle storage, as recommended in the project's Traffic Impact Study (September 7, 2021). CalFire and Engineering divisions have reviewed the proposed plans for access and circulation and found them to be in compliance with the Napa County Road and Street Standards.

The date of analysis for the project's Traffic Impact Study predates the establishment of Napa County thresholds of significance related to Vehicle Miles Traveled (VMT) and guidance documents. The Traffic Impact Study assessed VMT based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of the screening criteria pertains to small projects, which OPR defines as generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and should take into consideration seasonal fluctuations. The proposed project is anticipated to result in 63 new daily vehicle trips on harvest Friday and 60 new daily vehicle trips on a non-harvest Friday. Since this is below the small project threshold of 110 trips, it is reasonable to conclude that the project can be presumed to have a less than

significant impact on VMT. Impacts would be less than significant.

The proposed project does not contain any incompatible uses. The project's Traffic Impact Study found that the creation of trips to the proposed project did not trigger a Left Turn Lane Warrant on the northbound Crystal Springs approach to the project driveways. The proposed driveways create a looped flow across the parcel. Driveway one acts as an entrance and quicker exit option for the parking lot. The second driveway is a one-way exit that begins at the parking lot, runs across the front of the outdoor tasting areas, and exits on Crystal Springs Rd. This second entrance allows for larger trucks and shuttles to easily flow through the parcel. As contained in the TIS collisions analysis, there were two collisions reported on Crystal Springs Road to Deer Park Road during the five-year study period between January 2014 and 2019. One accident was caused by unsafe speed and one due to an improper turn.

Crystal Springs Road ranges in width from about 16 to 24 feet north of the Winery, and from about 12 to 18 feet south of the Winery. TRANS-1 has been implemented in order to minimize project traffic along the narrower sections of Crystal Springs Road (which are mostly south of the winery). All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Crystal Springs Road can be accessed through a northern and southern (via Deer Park Road) connection to Silverado Trail; therefore, will be sited with adequate emergency access.

### **Public Comments -**

Prior to the publication of this staff report, staff has received one public comment in support of the proposed project and two public comments in opposition. Additionally, staff has received comment from the California Department of Fish and Wildlife (CDFW). All comment letters have been included as Attachment M.

CDFW's letter requested that the proposed pre-construction Northern Spotted Owl survey area be expanded from 500-feet surrounding the proposed disturbed area, to 0.25-miles surrounding the proposed disturbed area. Additionally, CDFW requested that the mitigation measure include language that reflects that the Northern Spotted Owl survey will be performed in conformance with U.S. Fish and Wildlife survey protocols. Staff has revised BIO-1 to incorporate CDFW's comments.

### **Decision Making Options:**

As noted in the Executive Summary Section above, staff recommends that the Planning Commission approve the project as proposed, subject to the findings and Conditions of Approval in Attachment A and B,

respectively. However, staff has provided the following options for consideration by the Planning Commission.

#### Option 1 - Approve Applicant's Proposal (Staff Recommendation)

Disposition - This action would approve the project as proposed, allowing construction and operation of a 30,000-gallon per year winery with related tours and tastings and marking program that would allow up to 28 guests per day, seven days per week. The requested Use Permit would increase water demands, vehicle trips and miles, and wastewater generation at the property, in addition to adding approximately 61,100 sq. ft. of winery development area. New construction would be compliant with Napa County zoning code regulations for winery developments, including minimum setbacks from property lines and public roads, maximum lot coverage, and maximum building height. With implementation of mitigation measures pertaining to biological resources, transportation, and cultural resources 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.

Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at the time the motion is made.

#### Option 2 - Modify the Applicant's Proposal and Reduce Visitation

Disposition - Should the Planning Commission determine that the intensity of the visitation and marketing plan should be reduced, the Commission may take action to reduce the number of daily, weekly, or yearly visitors and/or reduce the number of proposed marketing events and/or reduce the hours of visitation.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the maximum daily visitation and/or number of marketing events. If significant revisions to the Conditions of Approval are required, the item may be continued to allow staff adequate time to prepare the revised conditions.

#### Option 3 - Deny Applicant's Proposal

Disposition - In the event the Commission determines that the project does not or cannot meet the required

findings for the granting of a Use Permit, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved.

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

#### Option 4 - Continuance Option

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