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Recommended Findings

**PLANNING COMMISSION HEARING – APRIL 16, 2025
RECOMMENDED FINDINGS**

**WRIGHTS CORNER USE PERMIT MAJOR MODIFICATION
P22-00241-MOD
4370 Old Sonoma Highway (also addressed 4372 and 4374), Napa, CA
Assessor's Parcel #: 047-110-017**

ENVIRONMENTAL:

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

1. The Planning Commission has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment as demonstrated in the Negative Declaration.
5. There is no evidence, in considering the record as a whole that the project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. 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.
7. 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.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

The Commission has reviewed the Use Permit Major Modification request in accordance with the requirements of the Napa County Code §18.124.070 and makes the following findings:

8. The Commission has the power to issue a use permit modification under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with CL (Commercial Limited) zoning district regulations. Retail, Inns, tavern, coffee shop, and tourist serving uses (as defined in Napa County Code § 18.08.170 – *Commercial Use*) are permitted in a CL zoned district with an approved use permit (as set forth in Napa County Code § 18.28.030 (B)(C)(D), and (E)). Provisions required by Chapter 18.28 have been met.

9. The procedural requirements for a use permit modification set forth in Chapter 18.124.130 of the Napa County Code (Use Permit Modifications) have been met.

Analysis: The use permit application has been appropriately filed and noticed, and public hearing requirements have been met. The hearing notice and intent to adopt the Negative Declaration was posted on March 13, 2025, and copies were forwarded to all appropriate person on the mailing list. The public comment period ran from March 13, 2025 to April 15, 2025, officially accepted by SCH on April 17). The review period for SCH runs March 17, 2025, through April 16, 2025.

10. The grant of the use permit modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit Modification for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding site access and driveways, grading, drainage, the proposed wastewater disposal system, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to ensure the protection of the public health, safety, and welfare.

11. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance – the project is consistent with the CL zoning district regulations. A mercantile, tavern, coffee cart and guest inn are permissible within the zoning district upon grant of a use permit, as described in NCC Chapter 18.28.

Analysis: Compliance with the General Plan is demonstrated through the applicability of the following General Plan Goals and Policies:

Policy AG/LU-45: All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities. Additional commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial. With respect to Policies AG/LU-44 and 45, due to the small numbers of such parcels, their limited capacity for commercially-viable agriculture due to pre-existing uses and/or size, location and lot configuration, and the minimal impact such commercial operations and expansions will have on adjacent agriculture or open space activities or the agricultural and open space character of the surrounding area, such limited development will not be detrimental to

Agriculture, Watershed or Open Space policies of the General Plan. Therefore, such development is consistent with all of the goals and policies of the General Plan.

Staff Response: Commercial zoning was recognized on the property in 1978; however, the property was developed with some form of country store, fuel station, and food service dating back to possibly the 1930s. Despite the Agriculture Watershed and Open Space General Plan Designation, it is unsuitable for conversion to agricultural use due the preexisting uses and size, and as such will not be detrimental to Agriculture, Watershed or Open Space policies of the General Plan.

Policy Ag/LU-50: The following standards shall apply to lands designated as Commercial on the Land Use Map of this General Plan (see Attachment A). Intent: 1) Provide areas where residents of the unincorporated area of the County may obtain commercial services for day-to-day needs in surrounding land uses. The area and location of such districts shall be determined largely by the urban nature and extent of the local trade area to be served. Other criteria which will figure significantly in the choice of parcels deemed suitable for classification include availability of public service, public utilities, traffic safety, character of the site and surrounding area. The central business district of each incorporated city shall be recognized as the dominant commercial and financial center for the surrounding unincorporated area of the County. 2) Provide areas consistent with the General Plan in which the principal use of land is devoted to general commercial uses in non-marine urban areas, limited commercial facilities essential to the needs of residents in residential neighborhood areas, limited commercial facilities oriented to the needs of recreational users in marine areas, and limited commercial facilities serving the needs of travelers in locations in proximity to primary transportation corridors which provide access to areas where tourist oriented uses predominate. General Uses: Neighborhood, tourist, and other limited commercial uses; subject to specified conditions. Minimum Parcel Size: 1 acre; 1/2 acre where public water and sewer are available. Maximum Building Density: 50% coverage

Staff Response: The existing and proposed uses are compatible with the guidelines, development standards, and performance standards set forth in Policy AG/LU-50. The existing and proposed structures make up approximately 11 percent of the 2.35-acre parcel.

Policy CIR-5: The County supports a coordinated approach to land use and circulation planning that increases opportunities for physical activity and promotes public health by prioritizing implementation of improvements to active transportation modes and encouraging mixed-use development that locate complementary uses within reasonable walking or bicycling distance of each other.

Staff Response: As a required condition of based on comments from the Department of Public Works, the applicant/permittee shall provide a minimum of ten (10) bicycle parking onsite in compliance with Napa County Code § 18.110.040.

Policy CIR-14: Developers of new land uses shall provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. Consideration of shared parking opportunities is encouraged.

Staff Response: The project proposes an addition to the eight (8) existing spaces, the project proposed 28 additional spaces for a total of 36 spaces, two more than is required. As a required condition of approval based on comments from the Department of Public Works, parking within the public right-of-way will be prohibited during all events.

Policy E-2: The County recognizes that tourism contributes to the economic viability of agriculture in Napa County and is an important part of the County's economy, generating jobs, local spending, and tax revenues.

Staff Response: The granting of the use permit can provide tourists with another opportunity for overnight lodging, food and drink, and retail merchandise, attracting visitors and locals, generating jobs and encouraging local spending.

12. The proposed use would not require a new water system or improvement 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 NCC § 13.15.070 or 13.15.080.

Analysis: The project is consistent with General Plan Conservation Policies CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources.

A Tier I Water Availability Analysis, dated June 17, 2024, was prepared by EBA Engineering, to determine the estimated water use of the existing development, the proposed project and water availability, and to assess potential drawdown impacts to neighboring wells.

The water source for the existing property is provided from one (1) existing onsite well. The well serves the existing residences, along with the Art Gallery, bike rental/guided tour business and luxury car excursion. The well is proposed to be used for the new mercantile, beer/wine tavern, coffee car, and Guest Inn. The project parcel is located outside of the Valley Floor area, and would not be subject to the Valley Floor screening criteria of 0.3 acre-foot of water per acre of land. The project is then subject to a Tier 1 parcel specific recharge based on the parcel size of 2.35 acres.

EBA Engineering performed a water budget that considered precipitation, septic flow returns, and runoff. The estimated volume of water available for groundwater recharge is 3.62-acre feet per year (AF/Y) during an average precipitation year. Estimated groundwater demand for a year would be 2,410 gallons per day (GPD) or 2.70 AF/Y, approximately 75% of the water available for recharge. The estimated groundwater demand was conservatively based on operations over the course of 365 days; however, the project proposes operation of the Mercantile, Beer/Wine Tavern and coffee cart will operate only 50 weeks per year or 350 days of the year, with the exception of the Mercantile open only five days per week for a total of 250 days of the year.

Tier 2: The nearest neighboring well is located approximately 150 feet to the north, less than 500 feet from the proposed project well. The proximity and proposed increase in groundwater demand required a Tier 2 well interference analysis. The daily water demand of 2,410 GPD would require a pumping rate duration to pump 30 gallons of water per minute over the course of 80 minutes. To determine if the increased groundwater demand could have the potential to interfere with offsite neighboring wells, EBA Engineering first determined that the onsite well has the capacity to supply the necessary water for the proposed project at a pumping rate of 30 gallons per minute (GPM), and modeling based on the 80 minute pump duration, valued predicted there would be ten (10) feet of drawdown at a distance of 24 feet, with less than one (1) foot of drawdown at 48 feet from the project well. The modeling predicts that there would be no impact to the offsite neighboring well that is located 150 feet away.

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 Negative Declaration and the Water Availability Analysis, the County concludes that no harm to (or less-than-significant impacts on) public trust resources would result from the proposed project. A formal Tier 3 analysis was required, due to the project’s proximity to Carneros Creek. Public Trust Doctrine requires the County to consider and give due regard to public trust when analyzing impacts that may impact a navigable waterway, or a non-navigable course (in this instance Carneros Creek) which connects to a navigable waterway (Napa River).

Carneros Creek is located approximately 435 feet to the west and is considered a significant stream. Using similar coefficients to the streamflow depletion modeling to the that used for the well interference analysis, that would not result in stream depletion (a rate of 0.0000 cubic feet per second was modelled). Given the lack of modeling streamflow depletion, it was the opinion of EBA Engineering that proposed increase in groundwater pumping if the project is approved, would not significantly contribute to stream depletion from Carneros Creek.

Although the project is not anticipated deplete streamflows from Carneros Creek, the standard well monitoring condition (COA -4.1), shall be implemented to require the following: that groundwater well shall be monitored including static water levels no less than quarterly (four times per year) and the volume of water collected monthly.