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Recommended Findings

RECOMMENDED FINDINGS

**SILVERADO RESORT & SPA USE PERMIT MINOR MODIFICATION
APPLICATION NO. P24-00141-MM
1600 ATLAS PEAK RD, NAPA, CA 94558
APN: 060-010-001-000**

ENVIRONMENTAL:

The Planning Commission has received and reviewed the proposed Categorical Exemption 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. Because the project involves the expansion of existing facilities and new construction in an urbanized area where all public services and facilities are available, the project is categorically exempt from CEQA under §15301. The proposed project avoids disturbance of the riparian area that was delineated in the August 19, 2024 habitat assessment conducted by Zentner Planning and Ecology and also includes a 4:1 replacement plan for tree removal
2. Because the project presents minimal grading on slopes less than 10 percent outside of waterways, includes new gardening and landscaping, includes minor trenching and backfilling where the surface is restored, and will be conditioned to incorporate fuel management within 100 feet of structures, the project is categorically exempt from CEQA under Sections 15304(a), 15304(b), 15304(f), and 15304(i).
3. 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.
4. The Secretary of the Planning 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 THE ROAD AND STREET STANDARDS:

The Planning Commission has reviewed the attached Napa County Road and Street Standards (NCRSS) Exception Request Letter in accordance with Road and Street Standards Section 3 and makes the following findings.

5. The exception will preserve unique features of the natural environment which include, but are not limited to, steep slopes, heritage oak trees, or other trees of at least six inches diameter at breast height and found by the decision-maker to be of significant importance, but do not include man-made environmental features such as rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: According to the Napa County Road and Street Standards regarding Local Responsibility Area (LRA) Exceptions, owners and leaseholders of property that is located completely within the LRA and not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ) may apply for an exception to these Standards. The exception request must provide measures which provide safe access for emergency apparatus, save civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property as determined by the County Engineer and Fire Marshal on a case-by-case basis.

The Engineering Division received a request (the request) by Sherwood Design Engineers, dated January 23, 2025, for an exception to the design criteria as outlined in the latest edition of the Napa County Road and Street Standards (RSS), Revised April 18, 2023 {Resolution 2023-59}, as part of an application for a modification to an existing Use Permit. Access to the project site is via Westgate Drive. The applicant is seeking an exception to allow the turnaround to be greater than 50 ft from the proposed lounge structure. All other portions of the proposed and existing driveway will be improved to minimum design standards for emergency vehicle access, per the 2023 RSS. The nature and constraints for the road exception are as follows:

In order to construct an emergency access road and turnaround within 50 feet of the proposed lounge structure, it would require ground disturbance and vegetation clearing within the stream and riparian setbacks, further tree removal, and the construction of an access bridge across the watercourse that flows through the center of the project site, and as such the exception supports the preservation of the natural environment.

Engineering Division Evaluation and Recommendation:

Engineering Division staff has reviewed the Request and has made the following determination:

- The exception request has provided the necessary documentation as required by RSS Section 3. The request is in connection with an application for a modification to an existing use permit and has received the appropriate environmental review from the Planning Division. The project site is located entirely within the Local Responsibility Area (LRA) according to the Cal Fire's Fire Hazard Severity Zones Map. The property is also not designated as being in a VHFHSZ.
 - In accordance with Section 5 and Section 3 of the RSS, the Request has demonstrated that the project as proposed will provide measures which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property.
6. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

As stated in Finding 5, the Request has demonstrated that the project as proposed will provide measures which provide safe access for emergency apparatus, safe civilian

evacuation, and the avoidance of delays in emergency response based on the demands of the property

The determinations are based on existing site conditions and previous approvals. The Engineering Division supports the approval of the exception request as proposed with the following conditions that are in addition to any and all conditions previously placed on the project as part of the discretionary application. All roadway improvements shall be completed prior to execution of any new entitlement or final on all new development proposed:

1. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to support apparatus weighing 75,000 pounds, and the design Traffic Index.
2. The property owner shall also install clear directional signage at the entrance to the driveway and all internal roadways. The directional signage shall be consistent with California Department of Forestry and Fire Protection requirements and shall be a minimum 6-inch letter height, 0.75-inch stroke, reflectorized, contrasting with the background color of the sign.
3. The roadway improvements shall be constructed and maintained to the approved condition prior to any new commercial use and/or occupancy. Maintenance of the roadway shall continue throughout the life of the parcel and its proposed use. The County may require future road design changes if changes in use or intensity are proposed in the future.
4. Any/all future road design changes or changes in use of this roadway beyond the existing use shown on the above noted request shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.

USE PERMIT:

The Planning Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code makes the following findings:

7. That the Planning Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property;

Analysis: NCC §18.124.130(B) states that the Zoning Administrator may approve minor noncontroversial modifications after giving notice of intent to approve, and NCC §18.124.130(B)(2)(b) states that notices shall be mailed or delivered to all owners of real property, including businesses, corporations or other public or private entities, as shown on the latest equalized assessment roll within 1,000 feet of the real property. According to NCC §18.124.130(B)(3), if any member of the public requests a public hearing during the comment period, then the zoning administrator will provide a public notice in accordance with NCC §18.136.040 and conduct a public hearing.

On July 30, 2025, a Notice of Intent was sent to all owners of real property within 1,000 feet of the project parcel, and in response the Planning Division received four requests for a public hearing. Given the proposal's potential to give rise to public disagreement,

the Zoning Administrator has concluded that the project does not fall within the description of a noncontroversial project, and that the decision-making body shall be the Napa County Planning Commission. Through this course of events, the Planning Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

8. That the procedural requirements set forth in this chapter have been met;

Analysis: Under NCC § 18.124.130, the use permit may be granted by the Planning Commission and a companion action is not required by the Board of Supervisors. The appropriate application, 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 October 2, 2025, and copies of the notice were forwarded to property owners within 1,000 feet of all project parcels, according to the procedures described in NCC § 18.124.130 and procedural requirements for noticing of public hearing described in NCC § 18.136.040.

9. Granting the Use Permit Minor Modification for the project, as proposed and conditioned, will not adversely affect the health, safety, or welfare of the County.

Analysis: Affected County divisions and departments have reviewed the project and commented regarding the proposed site access, parking, building permits, fire protection, drainage, and wastewater system. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

The Napa County Environmental Health Division, Fire Department, Engineering Division, Building Division, and Department of Public Works have all reviewed the proposed project and provided comments and conditions of approval. Several revisions to the project proposal have been made to meet each agency's requirements.

The resort utilizes public utility water through the City of Napa, and no use of groundwater is part of the proposal. The Napa Sanitation District (NapaSan) has indicated that the project is within proximity to a connection for wastewater treatment and that NapaSan has capacity for the proposal, and Environment Health has requested a will serve letter from NapaSan as a condition of approval. As such, a proposed septic system has been removed from the plan.

The Engineering Division and Fire Department have provided several comments through multiple rounds of project revisions and the current proposal meets the required findings necessary for a Road and Street Standard (RSS) exception that ensures emergency vehicle access and safety requirements are met and/or have the same practical effect. Specific Building Code requirements are included in the conditions of approval and will be required at the building permit phase prior to receiving their certificate of occupancy.

10. That the proposed use complies with the applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan;

Analysis: The proposed use is consistent with the Planned Development zoning district and the Urban Residential General Plan designation. All applicable NCC provisions have been met. The project has been designed to avoid development within the riparian area that runs along the tributary to Milliken Creek, and the proposal meets the required stream setbacks per NCC § 18.108.025.

Under Napa County Code (NCC) §18.124.130, Minor Modifications to Non-Winery Use Permits can be approved for changes in location and/or size of approved structures or portions thereof, provided that the approval of the requested minor modification would not affect the overall concept, density, intensity or environmental impact, and would not result in any structure or the aggregate of all approved structures being increased by 25 percent in size or one story in height based on size allowed under the approved use permit. The proposed increase of 11,358 square feet of resort space represents a 24.1 percent increase to the resort mansion and convention center alone, and when the 221,000 square feet of hotel space is included it represents just a 4.24 percent increase.

The proposed building height of approximately 26.3 feet for the pavilion and 20 feet for the lounge which is below the maximum building height of 35 feet described in NCC § 18.104.010. Due to the location of the project in the center of a large parcel, all other required setbacks described in NCC § 18.104 and § 18.112 have been met.

Applicable General Plan Policies include:

Policy AG/LU-22: Urban uses shall be concentrated in the incorporated cities and town and designated urbanized areas of the unincorporated County in order to preserve agriculture and open space, encourage transit-oriented development, conserve energy, and provide for healthy, “walkable” communities.

Analysis: An event pavilion and lounge that hosts the congregations of large amounts of people on a regular basis can be considered an urban use, and the parcel has an urban residential General Plan designation. Approving a project of this nature at this location, within closer proximity to the City of Napa, can encourage future transit-oriented development and energy conservation when considering travel and commuter distances and greenhouse gas emissions that occur during large gatherings.

Policy AG/LU-24: Commercial uses will be grouped in areas outside of those designated for agricultural uses in the General Plan (subject to exceptions contained in Policies AG/LU-43 through 45 of this General Plan).

Analysis: The proposed commercial use is located outside of areas designated for agricultural uses in the General Plan.

Policy CC-6: The grading of building sites, vineyards, and other uses shall incorporate techniques to retain as much as possible a 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.
- The angle of the graded slope shall be gradually adjusted to the angle of the natural terrain.
- Sharp, angular forms shall be rounded and smoothed to blend with the natural terrain.

Analysis: The preliminary landscape plans submitted for this project (See Attachment H) are specifically designed to run along the natural contours of the riparian area and align with the natural terrain of the project site. The designs, which include a creek front lawn with periphery dry creek plantings, were created to meet the required stream setbacks and avoid any impacts on the existing riparian area and stream. This has resulted in landscape plans that are rounded and smoothed, and blend in well with the natural terrain.

Policy CC-36: Residential and other noise-sensitive activities shall not be located where noise levels exceed the standards contained in this Element without provision of noise attenuation features that result in noise levels meeting the current standards of the County for exterior and interior noise exposure.

and

Policy CC-38: The following are the County's standards for maximum exterior noise levels for various types of land uses established in the County's Noise Ordinance. Additional standards are provided in the Noise Ordinance for construction activities (i.e., intermittent or temporary noise).

**EXTERIOR NOISE LEVEL STANDARDS
(LEVELS ARE NOT TO BE EXCEEDED MORE THAN 30 MINUTES IN ANY HOUR)**

Land Use Type	Time Period	Noise Level (dBA) by Noise Zone Classification		
		Rural	Suburban	Urban
Single-Family Homes and Duplexes	10 p.m. to 7 a.m.	45	45	50
	7 a.m. to 10 p.m.	50	55	60

Multiple Residential 3 or More Units Per Building (Triplex +)	10 p.m. to 7 a.m.	45	50	55
	7 a.m. to 10 p.m.	50	55	60
Office and Retail	10 p.m. to 7 a.m.	60		
	7 a.m. to 10 p.m.	65		
Industrial and Wineries	Anytime	75		

Analysis: The applicant have submitted a Grove Event Noise Study completed by Salter Acoustical Consultants dated September 30, 2024 (See Attachment G). The study is based on two noise measurement locations, on attached to the courtyard perimeter fence and another was attached to a tree near the property line and closest residence to the proposed project. Three outdoor events were measured that include a dinner with 25 guests that took place on August 28, 2024, a wedding with 200 guests that took place on August 31, 2024, and another wedding with 100 guests that took place on September 1, 2024. The dinner included an amplified violin and background music and reached a decibel level (dBA) of 57 dBA at the measurement location near the property line. The August 31st wedding included a 14-piece amplified band and reached 78 dBA at the property line, while the September 1st wedding included a DJ and reached 73 dBA at the property line. These existing noise levels approach or exceed the exterior noise levels described in General Plan Policy CC-38 for urban single-family and duplex residential units for both daytime (7 a.m. to 10 p.m. – 60 dBA) and nighttime (10 p.m. to 7 a.m. – 50 dBA) levels. The Noise Study concluded that almost all amplified bands and DJs are to be moved indoors to the new Pavilion Building, the new event space will have interior acoustic treatment to reduce overall noise levels, ceremonies with low-level speech reinforcement will still be held outdoors, and there will be no change in event types, maximum size, or duration compared to existing operations. With exterior doors and windows shut, a significant noise reduction of at least 35 dBA at the property line is expected. The study recommends that exterior doors be tight-fitting with acoustic perimeter gaskets. With these measures in place, General Plan Policy CC-36 will be supported and enhanced through the approval of the project.

Policy CON-24(d): 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: As part of the project proposal, eight valley oak trees have been marked for removal to construct the proposed structures. This figure is a reduction from the removal of ten valley oak trees originally proposed. The diameter at breast height (DBH) of the eight trees to be removed range from 14 inches to 38 inches, with approximately 91 trees identified on the site plans that are within immediate proximity to the proposed structures to be preserved. General Plan Policy CON-24, which requires the replacement of lost oak woodlands or the preservation of like habitat at a 2:1 ratio, applies to the project. As such, the project is proposing a 4:1 replacement ratio for the eight valley oak trees to be removed, with submitted plans for the replanting of 32 valley oak trees on the property (See Attachment H). The 32 trees will be planted across six designated areas on the parcel and will include a minimum size of 15-gallon oak plantings.

Policy E-6: The County values the businesses which currently operate in Napa County. Business retention strategies will be integral to meeting the County's economic goals.

Analysis: With the original golf course dating back to the 1950s and the resort and planned community dating back to the 1960s, the resort is one of the oldest establishments for hosting events in the County. By approving this project, the County will be supporting an operating business and reinforcing its retention as an establishment in the community.

Policy SAF-1.3: Evaluate safety hazards. The County shall evaluate potential safety hazards when considering General Plan Amendments, rezoning, or other project approvals (including but not limited to new residential developments, roads, or highways, and all structures proposed to be open to the public and serving 50 persons or more in areas characterized by any of the following: 1) Slopes over 15 percent; 2) Identified landslides; 3) Floodplains; 4) Medium, high, or very high fire hazard severity; Former marshlands; and 6) Fault zones.

Analysis: A major safety hazard associated with the project site is the existing floodplain. According to the National Flood Hazard Layer from FEMA, areas surrounding the project site, including portions of proposed landscape area, are within Flood Hazard Areas A and AE, meaning these areas are subject to inundation by the one percent chance or 100-year floodplain area and are considered high-risk flood zones. Due to this, the Napa County Engineering Division has included the following condition: No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of as Special Flood Hazard Area without first obtaining a floodplain permit pursuant to Chapter 16.04 of the Napa County Code of Ordinances.

Another major safety hazard at the project site are existing fire hazards, and to address this the Napa County Fire Marshal's Office has set forth 20 recommended conditions of approval (see Attachment B). These conditions address issues including fire safety construction and building codes, emergency vehicle accessibility, access road design

and standards, access gates, hydrant standards, sprinkler system standards, egress for emergency exits and exit standards, and defensible space.

With these additional conditions of approval together with the standard development conditions of approval described in Attachment B, the project is in compliance with General Plan Policy SAF-1.3 from the Safety Element.

11. That, in the case of groundwater basins identified as "groundwater deficient areas" under Section 13.15.010, the proposed use would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins 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 this code;

The proposed project is in the Milliken-Sarco-Tulucay (MST) subarea, which is designated as a Napa County groundwater deficient area under NCC § 13.15.010. The project will not require a new water system or improvement causing significant effects as it will be served by the City of Napa Water Service Area. No adverse effects, either individually or cumulatively, on any groundwater basins are expected.

12. That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, substantial evidence has not been presented which demonstrates that the new water system or improvement might cause a significant adverse affect on any underlying groundwater basin, 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 this code;

As the project is utilizing the City of Napa Water Division, and is not located within the Napa Valley Subbasin as identified by the Groundwater Sustainability Agency boundary. As such, the project will not require a groundwater permit under NCC § 13.15.070 or 13.15.080 of this code.

13. In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in Section 13.15.010, regardless of the number of parcels served, that the proposed use would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to Chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that the use of groundwater for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if 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 this code.

The proposed project relies on water from the City of Napa. The applicant has provided a Water Availability Analysis prepared by Sherwood Design Engineers, revised in September 2024, which demonstrates that this finding shall not be required as the use of groundwater is not an element of the project proposal.