

**ZONING ADMINISTRATOR DECISION – JUNE XX, 2023**  
**RECOMMENDED FINDINGS**

**ROBERT MONDAVI WINERY USE PERMIT MINOR MODIFICATION**

**Application Number P22-00106-UP**  
**7801 State Highway 29, Napa, California**  
**APN 027-028-067-000& 024-280-066-000**

**ENVIRONMENTAL:**

The Zoning Administrator (ZA) has received and reviewed the proposed 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 the project:

1. The ZA 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 ZA.
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.
5. There is no evidence, in considering the record as a whole that the proposed 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.

## **EXCEPTION TO THE ROAD AND STREET STANDARDS:**

The Zoning Administrator has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 5 and makes the following findings:

8. Properties located completely within the Local Responsibility Area (LRA) and not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ), may make an application for an exception to these Standards. The exception request must provide measure 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 as determined by the County Engineer and Fire Marshal on a case-by-case basis.

*Analysis: The parcel is located within the LRA and is not designated as a Very High Fire Hazard Severity Zone, and such, the project is eligible for the LRA exception under Section 5 of the RSS. The request seeks an exception to the required horizontal clear width along the proposed access road to the new tasting pavilion. All other portions of the proposed roadway will be improved to minimum design standard for commercial access, per the 2021 Road and Street Standards. The specific request is based on the LRA exception as the existing access road is constrained by established vineyards which limits the road width to 14 feet for an approximately 2,000-foot section; three turnouts are proposed. Additionally, the applicant proposes to install signage which will restrict public access to the access road, as such the access road to the Pavilion shall only be used by shuttles, employees and emergency vehicles which will ensure the proposed design minimizes the potential for emergency response delay.*

9. 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.

*Analysis: The County's Engineering and Fire Divisions have reviewed project's circulation plans, and RSS exception; all departments have approved the project with Conditions of Approval. The proposed exception request to allow a reduced road width along the access road to the Pavilion provides safe access for emergency apparatus, safe civilian evacuation, and avoidance of delay in emergency response based on the demands of the property.*

## **PLANNING AND ZONING ANALYSIS:**

### **USE PERMIT:**

The Zoning Administrator has reviewed the use permit minor modification request in accordance with the requirements of the Napa County Code §18.124, and makes the following findings:

10. The Zoning Administrator has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

*Analysis: The project is consistent with Agricultural Preserve (AP) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in an AP zoned district with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.*

11. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the NCC (zoning regulations) have been met.

*Analysis: The use permit application has been appropriately filed, noticed, and public noticing requirements have been met. The notice of intent to adopt a Negative Declaration and approve the project was posted and published in the Napa Valley Register and on the State CEQA net website on May 19, 2023, and copies of the notice were forwarded to property owners within 1,000 feet of the Property.*

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

*Analysis: Granting the Use Permit modification for the project as proposed and conditioned will not adversely affect health, safety, or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed site access, grading, drainage, the existing septic system capacity, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.*

13. 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 Code: The project is consistent with the AP zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030) are permitted in the AP District subject to an approved use permit. The proposed project does not include*

*modification of the winery's wine production, visitation, marketing events and employment. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.*

Analysis - Compliance with the General Plan and other applicable specific plans: *As proposed and as conditioned, the requested Use Permit Minor Modification is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Resource (AR).*

*General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Goal AG/LU-3 states that the County should "support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands." Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.*

*The continued use of the property for fermenting and processing of grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space..."). By allowing the expansion of the existing agricultural use, the requested Use Permit Major Modification supports the economic viability of both the vineyard and agricultural product processing uses on the property, consistent with Economic Development Goal E-1 and Policy E-1.*

*The "Right to Farm" is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. "Right to Farm" provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County's adopted General Plan reinforces the County's longstanding commitment to agricultural preservation, urban centered growth, and resource conservation.*

Applicable Napa County General Plan goals and policies:

Goal AG/LU-1: *Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.*

Goal AG/LU-3: *Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.*

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

Policy AG/LU-8: *The County's minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.*

Policy AG/LU-15: *The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a "right to farm"), even though established urban uses in the general area may foster complaints against those agricultural practices. The "right to farm" shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.*

Goal CON-10: *Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.*

Goal CON-11: *Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.*

Policy CON-53: *The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code "fair-share" provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.*

Policy CON-55: *The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that will alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.*

Policy CON-72: *The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.*

Policy CON-77: *All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated*

*by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.*

*Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].*

*Goal E-1: Maintain and enhance the economic viability of agriculture. Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.*

*Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:*

- 1. Adequacy of water supply.*
- 2. Site design for fire department access in and around structures.*
- 3. Ability for a safe and efficient fire department response.*
- 4. Traffic flow and ingress/egress for residents and emergency vehicles.*
- 5. Site-specific built-in fire protection*
- 6. Potential impacts to emergency services and fire department response.*

14. 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 Sections 13.15.070 or 13.15.080 of the NCC.

*Analysis: The subject property is located within the Valley Floor and 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. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for purposes of the application of the County's Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. Based on the information provided by the applicant, the project area (which,*

*if approved would consist of a 126.5 acre parcel resulting from combining -067 (93.76 acres) and -066 (32.75), based on the Groundwater Sustainability Plan (GSP) the parcel would have an allowable groundwater allotment of 37.95-acre feet per year (af/yr), which is arrived at by multiplying the total 126.5-acre parcel size by a 0.3 acre feet per acre per year (af/ac/yr) groundwater recharge rate. The winery sources it's domestic and production water from the City of Napa, while the landscaping and vineyard irrigation utilize groundwater. Water Demand Calculations submitted for the project placed the water demand for existing uses in the project area (-066 and -067) at 99.99 af/yr. The proposed water use post-project is 99.97 af/yr, which is a slight decrease (-0.02 af/yr) in water use compared to existing conditions. As such, with the net decrease in water the project is consistent with the GSP. As such, the project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.*

*Therefore, the project is considered not to have potential to significantly impacts to groundwater resources. Because the projected water demand is less than the existing water demand for the project, consistent with the GSP, the requested Use Permit is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support reservation and sustainable use of groundwater for agricultural and related purposes. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.*