

COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STEET SUITE 210
NAPA, CA 94559
(707) 253-4417

Initial Study Checklist
(form updated January 2019)

1. **Project Title:** Rutherford Ranch Winery Major Modification #P19-00126-MOD and Use Permit Exception to the Conservation Regulations #P23-00145
2. **Property Owner:** Marko B. Zaninovich and Theo Zaninovich, Round Hill Cellars; 1680 Silverado Trail South; phone: (661) 792-3151; email: mbzaninovich@sunviewvineyards.com
3. **County Contact Person, Phone Number and email:** Emily Hedge, Planner III; phone (707) 259-8226 or email: emily.hedge@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):** The project is located on a 17.37-acre parcel within the Agricultural Watershed (AW) zoning district. The parcel is located at the intersection of Silverado Trail and Rutherford Hill Road, with the private driveway off Silverado Trail. Project address: 1680 Silverado Trail South, St. Helena; APN: 030-300-030
5. **Project sponsor's name and address:** Katherine Philippakis, Farella Braun + Martel LLP; (707) 967-4000; kp@fbm.com
6. **General Plan description:** Agriculture, Watershed, and Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Background/Project History:**

October 19, 1983 – The Planning Commission approved Use Permit #U-198384. This established a 144,000 gallon per year winery in an approximately 28,000 s.f. building. The application requested operation Monday – Saturday from 8:00 a.m. to 5:00 p.m., six (6) full-time employees with six (6) part-time employees during crush, 25 parking spaces, and installation of a septic system. A left turn lane was conditioned by the Public Works Department. No public tours and tastings were permitted, but the COA allowed retail sales only.

November 29, 1983 – The Board of Supervisors upheld the appeal of Use Permit #U-198384. The Board approved two additional conditions. The first condition requires removal of the grape residue (pomace, etc.) from the property with 24 hour (48 hours on weekends), with the exception that some maybe be cultivated into the vineyard. The second condition required that, in the event of a failure of the septic system, winery production would immediately be reduced to a level that can be processed by the system. The septic system shall be underground; ponding, flooding, or aeration are not available on the parcel.

March 6, 1991 – The Planning Commission approved Major Modification #U-90-33 to increase production to 250,000 gallons per year of wine produced from grapes along with receipt of 600,000 gallons per year of bulk wine, for a total of 850,000 gallons of wine per year.

July 8, 1994 – The Zoning Administrator approved Minor Modification #93459-MOD and Variance #93460-VAR. The Minor Modification converted approximately 960 s.f. of the existing residence to winery offices. The Variance approved a 400 s.f. addition attached to the existing residence, to be used for additional offices. The attachment is located within the 600-foot setback from Silverado Trail, approximately 200 feet from the centerline of the road.

April 3, 1996 – The Planning Commission approved Major Modification #95307-MOD. The permit approved an increase in the amount of bulk wine received for processing at the winery from 600,000 gallons/year to 1,000,000 gallons/year with total production not to exceed 1,250,000 gallons/year averaged over three (3) consecutive years.

July 29, 2003 – The Zoning Administrator provided a letter to the permittee recognizing a weekly visitation of 250 visitors, with no change to daily maximum of 50.

December 2018 – Very Minor Modification P18-00452 was submitted to recognize work that had been done to remodel portions of the existing winery building converting office space to hospitality space, production space to a food preparation, and production space to office use. While undergoing review, it was determined that there were operational components that were out of compliance as well. The applicant resubmitted the project as a Major Modification in the Code Compliance Program – P19-00126.

March 27, 2019 – The applicant submitted Major Modification P19-00126 for recognize of the components of the winery operations that were out of compliance. The application includes additional requests for expansion. A Use Permit Exception to the Conservation Regulations P23-00145 was opened for the applicant's request to recognize and maintain physical improvements within the 45-foot setback.

9. **Description of Project:** Approval for a Major Modification of the previous project approvals (Use Permit U-198384 and modifications) for an existing 1,250,000 gallon per year winery (production of 250,000 gallons and 1,000,000 gallons bulk wine received) to allow the following:

A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS

1. Recognition of days of operation Monday through Sunday. The winery has approval of Production on Monday-Friday and Visitation on Monday-Sunday;
2. Recognition of hours of operation for Production 6:00 a.m. - 5:30 p.m. and visitation 10:00 a.m. - 6:00 p.m. The winery has approval for operations between 8:00 a.m. - 5:00 p.m. and operations during crush between 7:00 a.m. - 11:00 p.m.;
3. Recognition of 34 paved parking spaces. The winery is approved for 25 parking spaces;
4. Recognition of 43 full-time and two (2) part-time employees. The winery has approval for 28 full-time and 3 part-time employees;
5. Recognition of daily visitation up to 265 visitors per day and weekly visitation up to 821 visitors per week. The winery has approval for 50 visitors per day and 250 visitors per week;
6. Recognition of up to 65 marketing events per year. The winery is not approved for any marketing events;
7. Recognition of on-premises consumption occurring on the outdoor patios and lawn. The winery is not approved for on-premises consumption;
8. Recognition of food, cheese, and chocolates with tastings. The winery is not permitted for any food service;
9. Recognition and retention of an unpermitted cover over an outdoor work area attached to the western side of the existing winery building;
10. Recognition and retention of an approximately 1,200 s.f. unpermitted cover over an outdoor work area attached to the northwestern side of the existing winery building; and
11. Recognition and retention of seven (7) existing, unpermitted improvements and structures located in the stream setback. See request for an exception to the Conservation Regulations below.

B. EXPANSION BEYOND EXISTING ENTITLEMENTS:

1. Parking spaces from 34 (existing conditions requested to be recognized via the County's Code Compliance program) to 81 spaces;
2. Increase employment from 43 full-time and two (2) part-time employees (existing conditions requested to be recognized via the County's Code Compliance program) to 58 full-time and 5 part-time employees;
3. Increase visitation from 265 visitors per day and 821 visitors per week (existing conditions requested to be recognized via the County's Code Compliance program) to 250 per day and 1,500 per week;
4. Annual marketing plan of 20 events per year with up to 40 guests, 10 events per year with up to 100 guests, and six (6) events per year with up to 150 guests;
5. Convert the entire 3,000 s.f. residence to winery offices, 1,200 s.f. previously approved for offices;
6. Install a commercial kitchen in the existing winery building for catering, pre-packaged food, and food preparation;
7. Designate the northern portion of the driveway as a one-way loop;
8. Improvements to the existing wastewater system and removal of the residential system;
9. Repave the roadway shoulders along the project's frontage (TIS recommendation); and
10. Implementation of a Travel Demand Management Plan

The project includes a request for a Use Permit Exception to the Conservation Regulations. The project proposes both recognition and retention of existing improvements and equipment on portions of the property that encroach into required stream setbacks pursuant to Napa County Code (NCC) Section 18.108.025.B as set forth below.

- A. The request includes recognition, retention, and maintenance, in their current configuration and use limitations, the following existing site improvements, or portions thereof, which encroach into the minimum stream setback of 45 feet. Some items included in this section may be subject to additional improvements to expand uses or meet County/State requirements. Applicable items have been noted by an asterisk (*)

Recognition and continued use of the permitted improvements: Based on County records, information provided by the property owner, and review of aeriels the following improvements were permitted and developed prior to the adoption of the Conservation Regulations and therefore may continue to exist and be used . No change is proposed to the development or use of these permitted improvements.

1. Permitted outdoor work area north of the winery building. Current equipment on the work area includes: Propane tank, Fire protection pump house, Winery potable water storage, Booster pump house, Underground process water tank, Separator for wastewater, De-stemer, Press, Catwalk at press, Utility riser, Power pole
2. Permitted transformer located north of the outdoor work area;
3. Permitted two (2) fire protection water storage tanks on the north side of the stream;
4. Permitted fire protection storage pipes crossing from the permitted fire protection pump house across the stream to the permitted fire protection water storage tanks;
5. Permitted winery building approximately 35,000 s.f.;
6. Permitted residence (to be converted to winery offices) approximately 3,000 s.f.;
7. Permitted outdoor patios between the winery building and residence (to be converted to winery offices);
8. Permitted parking areas in front of the winery building and north of the lawn adjacent to the residence (to be converted to winery offices);

Recognition and continued use of the unpermitted improvements:

9. Unpermitted above ground surge tank for process wastewater transfer pump located five (5) feet from the top of bank;
10. Unpermitted pump house for process wastewater transfer located 10 feet from the top of bank;
11. Unpermitted concrete pad and retaining wall for storage and equipment located at the top of bank;
12. Unpermitted irrigation pump house on the north side of the stream located 22 feet from the top of bank;
13. Unpermitted paved access drive to the northern parking area and equipment located four (4) feet from the top of bank;
14. Unpermitted fence along the vineyard and northern parking area located approximately 25 feet from the top of bank at the closest area; and
15. Unpermitted northern parking area (dirt and gravel) located approximately 15 feet from the top of bank (*to be resurfaced)

B. The request also includes the following new proposed improvements and work within the required stream setback:

1. Two (2) water tanks located approximately 42 feet from the top of bank, encroaching approximately three (3) feet into the setback (Being relocated behind a permitted water tank, from the current location approximately 1.5 feet from the top of bank away from the stream);
2. Resurfacing northern parking area, a portion of which would be approximately 15 feet from the top of bank, encroaching approximately 30 feet into the setback; and
3. Removal of seven (7) unpermitted improvements in the stream setback: two water tanks, a pergola, a greenhouse, part of the concrete pad on the east side of the stream near the parking area, a tool shed, and an insulated container; and
4. Restoration and revegetation of approximately 200 linear feet along the northeastern side of the stream. Proposed planting includes live oak, valley oak coyote bush, toyon, and native grasses.

10. **Describe the environmental setting and surrounding land uses.**

The 17.37-acre parcel is located at 1680 Silverado Trail, St. Helena. On the southeast corner of the intersection of Silverado Trail and Rutherford Hill Road. The parcel is access via a private driveway off Silverado Trail, directly across from Conn Creek Road, north of Sage Canyon Road. The majority of the site, approximately 14 acres is generally flat with slopes around five (5) percent. The property slopes upward in the far northeastern side, with approximately three (3) acres with slopes ranging from 15 to 50 percent. A stream runs through the property, beginning in the northern corner along Rutherford Hill Road. The stream runs through the developed area between the winery and residence, before exiting the property into a culvert along Silverado Trail. The stream is a tributary to Conn Creek which is located just south of the parcel near the intersection of Silverado Trail and Conn Creek Road. Existing development includes a winery building with production and hospitality, an outdoor work area, a residence (proposed to be entirely converted to winery use), landscaping, and approximately nine (9) acres of vineyards. The structures are situated fronting Silverado Trail, with the vineyards behind toward the hillside. Surrounding properties include residences, vineyards, wineries, and undeveloped, wooded hillsides.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

Regional Water Quality Control Board
California Department of Fish and Wildlife
U.S. Army Corps of Engineers

Other Agencies Contacted

None

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.

On September 19, 2022, 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. On October 3, 2022, a response was received from Yocha Dehe tribe. They did not request additional information.

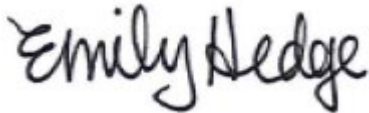
Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

5/19/23

Date

Name: Emily Hedge, Planner III
Napa County Planning, Building and Environmental Services Department

I.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b/c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section above, the area is defined by a mix of the residential structures, vineyards, wineries, and forested hillsides.

The existing development on the property includes a winery building, outdoor work area, a residence (proposed to be converted to winery use), landscaping, and approximately nine (9) acres of vineyards. The structures are situated fronting Silverado Trail, with the vineyards behind toward the hillside. A stream runs through the property, beginning in the northern corner along Rutherford Hill Road. The stream runs through the developed area between the winery and residence, before existing the property into a culvert along Silverado Trail.

The winery building is situated in the corner of the lot, at the intersection of Silverado Trail and Rutherford Hill Road. Various trees are planted along the property lines on both roads, providing screening of direct views of the winery development. The winery building is primarily a light stone color, with wooden trellises. Landscape hedges are planted along the exterior of the building. The project proposes recognition of an existing cover over an outdoor work area attached to the western side of the winery building. The residence is south of the winery building, across the stream. The residence is surrounded by trees, landscape shrubs, and a small olive grove. The residence is primarily blocked from views from the road. No changes are proposed to the exterior of the existing winery building or residence.

Proposed physical improvements to the site include surfacing a parking area at the northern portion of the driveway loop, surfacing a parking area along the eastern side of the driveway adjacent to the vineyards, repaving the shoulders of the roadway at the driveway entrance, improvements to the existing sanitary wastewater system, internal remodel and installation of a kitchen in the existing winery building and conversion of the entire residence to winery offices. The project includes removal and relocation of equipment along the stream, which is not visible from either road. A revegetation plan is proposed for this area, resulting in additional trees and landscaping in this area.

Silverado Trail is a Viewshed designated road per County Code Chapter 18.106 Viewshed Protection Program. The Viewshed Program applies to development on slopes greater than 15 percent to review and apply design criteria to minimize effects on the natural terrain and views from designated roads. The existing development and proposed improvements are located on slopes less than 15 percent, therefore the project is not subject to the Viewshed ordinance. Silverado Trail is not a state scenic highway, and no rock outcroppings or historic buildings are being removed. Changes to the site would be limited and potential impacts to scenic vistas, scenic resources, and the existing views of the site would be less than significant.

d. The project proposes operational changes including increasing the weekly number of by appointment tours and tastings, employees, and adding marketing events. The applicant does not proposed changes to the existing operation schedule of Production from 6:00 a.m. - 5:30 p.m. and visitation from 10:00 a.m. - 6:00 p.m. Monday-Sunday. The proposed marketing plan includes 36 events. Thirty events could occur between 10:30 a.m. and 6:00 p.m. and six (6) could occur between 10:00 a.m. and to 10:00 p.m. Evening events represent a potential for additional lights to be on after dark, however it would be limited to six (6) times per year. If any new lighting is

proposed it would be installed pursuant to standard Napa County conditions of approval for wineries, requiring outdoor lighting to be shielded and directed downwards. As subject to the standard conditions of approval below, the project would not have a significant impact resulting from new sources of lighting. Impacts are expected to be less than significant.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.

Mitigation Measures: None are required.

II.	AGRICULTURE AND FOREST RESOURCES. ¹ Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

Discussion:

- a. Based on County GIS layer Napa County Important Farmland Map of 2016 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency the approximately nine (9) acres of vineyard are located on land designated "Prime Farmland" and the areas developed with the winery and residence are designated "Other Land". No improvements are proposed on the area designated "Prime Farmland". No impact would occur.
- b./e. General Plan Agriculture Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. Therefore, the proposed project would not conflict with existing zoning for agricultural uses. There is not an agricultural contract on the property. There are no other changes included in this proposal that would result in the conversion of Farmland. As a result, the proposed project would not result in the conversion of agricultural land or farmland to a non-agricultural use. No impacts would occur.
- c/d. According to the Napa County Environmental resource maps (based on the following GIS layer – Vegetation) the undeveloped hillside is comprised of oak woodlands. There are no improvements in this area and no tree removal is proposed. The project is not located within areas that would cause a conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, nor would it result in the loss or, or conversion of, forest land to a non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits. No impacts would occur.

Mitigation Measures: None are required.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

- a/b. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, *In Your Community: Napa County*, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The size of the entire project is approximately 38,000 square feet, including the 35,000-square foot winery building and 3,000-square foot winery offices (converted residence). The winery buildings include approximately 8,000 square feet dedicated to accessory and hospitality uses and approximately 30,000 square feet dedicated to production uses. Compared to the BAAQMD's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOx (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses. The project falls below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- c/d. In the short term, potential air quality impacts are most likely to result from construction activities related to the building construction and cave expansion. Construction emissions would have a temporary effect; consisting mainly of dust during construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
5. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
6. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
7. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.*
8. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.*

Furthermore, while earthmoving and construction on the site would generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

7.1 SITE IMPROVEMENTS

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The physical improvements and operational changes would not significantly increase odors associated with the winery. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None are required.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

a./b./c. A stream runs through the property from the northern corner, along Rutherford Hill Road through the developed area between the winery and residence, exiting the property into a culvert along Silverado Trail. The stream is a tributary to Conn Creek which is located just south of the parcel near the intersection of Silverado Trail and Conn Creek Road. The USGS Rutherford Quadrangle shows the stream as an unnamed Blue Line Stream traveling down the hillside, through what is now a vineyard. Historically the stream was realigned through the property.

The Napa County Conservation Regulations (Napa County Code Chapter 18.108) establishes a 45-foot setback from the top-of-bank of the stream based on the associated topography of between zero (0) and five (5) percent slopes. The stream is directly adjacent to the existing winery outdoor work area, building, and residential development (proposed to be converted to winery uses).

A number of winery improvements and equipment are located directly adjacent to the stream, within the 45-foot setback. Some were permitted and installed prior to the County Conservation Regulations; however, others were installed following the regulations or without necessary permits.

Based on County records, information provided by the property owner, and review of aeriels the following improvements were permitted and developed prior to the adoption of the Conservation Regulations and therefore may continue to exist and be used. No change is proposed to the development or use of these permitted improvements.

1. Permitted outdoor work area north of the winery building;
2. Permitted transformer located north of the outdoor work area;
3. Permitted two (2) fire protection water storage tanks on the north side of the stream;
4. Permitted fire protection storage pipes crossing from the permitted fire protection pump house across the stream to the permitted fire protection water storage tanks;
5. Permitted winery building;
6. Permitted residence (to be converted to winery offices);
7. Permitted outdoor patios between the winery building and residence (to be converted to winery offices);
8. Permitted parking areas in front of the winery building and north of the lawn adjacent to the residence (to be converted to winery offices);

Based on the site plans prepared by project architect Paul Kelley, there are 16 unpermitted items within the stream setback. two (2) of which are proposed to be relocated, seven (7) which will be removed and seven (7) that will remain, as detailed further below.

The applicant proposes to relocate two (2) irrigation water tanks connected to the fire protection system from the current location approximately 1.5 feet from the top of bank, behind the existing permitted water storage tanks. The tanks would be approximately 42 feet from the top of bank, encroaching approximately three (3) feet into the setback.

The applicant proposes to remove the following seven (7) items from within the stream setback: two (2) water tanks, a pergola, a greenhouse, part of the concrete pad on the east side of the stream near the parking area, a tool shed, and an insulated container. The project, as proposed, includes both the removal of the improvements and completion of a restoration plan. The applicant submitted a proposed restoration plan, A Voluntary Stream Setback Compliance, dated March 22, 2019, prepared by Kjeldsen Biological Consulting,

showing the areas where items are proposed to be removed and the recommended restoration plan. The proposed plan recommends restoring an approximately 200 linear foot area along the northeastern side of the stream, including planting a total of 40 trees and shrubs (1-gallon size or equivalent), including 10 Coyote Bush, 10 Toyon, 10 Live Oak, and 10 Valley Oak. Additionally, native grass seed should be spread on all exposed or open ground. The proposed revegetation plan includes specific recommendations for plantings, irrigation, maintenance, and project monitoring. County staff has reviewed the plan and determined that the proposed restoration of the area will not have a significant impact on the stream.

To ensure the implementation of the restoration plan, a condition of approval will be implemented. In conjunction with building and grading permit application submittal, all improvement plans (Building/Engineering) submitted to Napa County for review and approval shall include information on the proposed equipment and processes to be used for removal or demolition of improvements. Work done to remove the improvements within the stream setback shall be conducted during the dry season in a manner that minimizes impacts to the bank and setback, including no use of heavy machinery within the bank and no heavy machinery within the setback to the extent possible. The plan shall incorporate Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance" for erosion and sedimentation control measures.

Prior to ground disturbing activities or removal of improvements within the stream setback, the applicant shall submit to Napa County for review and approval a final stream restoration plan detailing the restoration within the stream setback. The plan shall be prepared by a qualified biologist, ecologist, or professional with experience in preparing revegetation/restoration plans. As included in the proposed plan, the revegetation shall consist of native plants that are consistent with native riparian species present on site and found in the area. To ensure that the plans contains the necessary components to effectively restore the area in accordance with County protocol and practice, the restoration plan shall include the following information: map of revegetation planting; plant pallet composed of native species; methods of planting, including source of plants and timing, size of plants, pest protection such as tree tubes, and irrigation; monitoring methods and schedules; success criteria; and management actions should success criteria not be met. The owner/permittee shall submit annual reports assessing plantings survival, which shall include recommendations for any additional required action. Replacement plantings shall achieve an 80% survival rate and be monitored for a minimum of 3 years to demonstrate that success criteria have been met.

The owner/permittee shall obtain any other required authorizations and/or permits from agencies with jurisdiction over Waters of the U.S. or the State, such as but not limited to, a Section 404 Nationwide Permit from the US Army Corps of Engineers (USACE), or a Section 1602 Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) prior to initiation of the work and restoration plan.

The applicant proposes to keep seven (7) improvements that they consider to be essential to winery operations. The project proposal includes recognition and continued use of the following unpermitted improvements.

1. Unpermitted above ground surge tank for process wastewater transfer pump located five (5) feet from the top of bank;
2. Unpermitted pump house for process wastewater transfer located 10 feet from the top of bank;
3. Unpermitted concrete pad and retaining wall for storage and equipment located at the top of bank;
4. Unpermitted irrigation pump house on the north side of the stream located 22 feet from the top of bank;
5. Unpermitted paved access drive to the northern parking area and equipment located four (4) feet from the top of bank;
6. Unpermitted fence along the vineyard and northern parking area located approximately 25 feet from the top of bank at the closest area; and
7. Unpermitted northern parking area (dirt and gravel) located approximately 15 feet from the top of bank to be resurfaced.

According to the Kjeldsen report, the unpermitted structures that the applicant proposes to maintain have been in place for years, with installation occurring between 1996 and 2010, and are not a threat to the function and integrity of the stream in this area. Kjeldsen opines that the unpermitted structures within the setback have not resulted in a net increase in soil loss or runoff, however, removal of improvements would require grading and could potentially result in soil erosion, which from a biological perspective, may potentially result in significant biological impacts by increasing sediment to the stream. Kjeldsen further opines that because the unpermitted structures are directly adjacent to other permitted structures within the setback, the removal would not result in a net benefit or increase of use by wildlife. The report concludes that no potential impacts would occur from maintaining some of the development and restoring those areas where items are to be removed.

If additional items within the stream setback are proposed or required to be removed, the above-mentioned condition of approval will be applied. The permittee shall include the removal location(s) and work information on all improvement plans and incorporate the areas into the restoration plan to be submitted to the County. Compliance with the requirements of the condition would ensure that work and restoration in additional areas within the stream setback will not have a significant impact on the stream.

The Kjeldsen report reviewed the site in preparation of the proposed restoration plan and provided information on existing conditions and potential plant and animal species on site. The report includes an Analysis of Potential Impacts on Sensitive Habitat. The project footprint is primarily within a historically developed landscape. The removal of the majority of unpermitted structures within the stream setback and revegetation, should result in a net increase in habitat and benefit as the riparian vegetation matures.

Seasonal Wetland generally denotes areas where the soil is seasonally saturated and/or inundated by fresh water for a significant portion of the wet season, and then seasonally dry during the dry season. To be classified as "Wetland," the duration of saturation and/or inundation must be long enough to cause the soils and vegetation to become altered and adapted to the wetland conditions. Varying degrees of pooling or ponding, and saturation will produce different edaphic and vegetative responses. These soil and vegetative clues, as well as hydrological features, are used to define the wetland type. Seasonal wetlands typically take the form of shallow depressions and swales that may be intermixed with a variety of upland habitat types. Seasonal wetlands fall under the jurisdiction of the U.S. Army Corps of Engineers (ACOE). No seasonal wetlands were identified on-site.

"Waters of the State" include drainages which are characterized by the presence of definable bed and bank that meet ACOE and Regional Water Quality Control Board (RWQCB) definitions and or jurisdiction. Any direct discharge of storm water into "Waters of the State" will require ACOE, RWQCB, and California Department of Fish and Wildlife's (CDFW) permits. The stream would be considered a "Waters of the State". The Kjeldsen report says that the project does not propose work within the bed and bank. Because the proposed restoration plan would take place along the northeastern side of the stream, the applicant should work with state agencies on any permits required for the proposed restoration plan. As noted above, the permittee shall obtain any other required authorizations and/or permits from agencies with jurisdiction over the stream. A Condition of Approval will be added requiring the permittee to provide documentation to from permitting agencies that any necessary permits have been issued or that the work has been reviewed and permits are not required.

Riparian Vegetation is considered sensitive as it functions to control water temperature, regulate nutrient supply (biofilters), bank stabilization, rate of runoff, wildlife habitat (shelter and food), release of allochthonous material, release of woody debris which functions as habitat and slow nutrient release, and protection for aquatic organisms. Riparian vegetation is also a moderator of water temperature and has a cascade effect in that it relates to oxygen availability. The project will not impact or remove any riparian vegetation. The revegetation plan will expand the riparian vegetation along the stream.

The report refers to the habitat within the Stream Setback as Ruderal, Oak Woodland, and Riparian Woodland. Oaks and willows are present on both sides of the stream. No tree removal is proposed.

The CDFW's California Natural Diversity Database (CNDDDB) does not show any records of special-status species of plants for the study site. The proposed project site does not contain habitat which would support special-status plant species. The historic use, absence of serpentine or serpentinite soils, lack of vernal pools, or wetlands, and vegetation associates reasonably precludes the presence of special-status species within the project site.

The Napa County Baseline Data Report defines Biotic communities as the characteristic assemblages of plants and animals that are found in a given range of soil, climate, and topographic conditions across a region. Riparian vegetation is recognized as a sensitive habitat type. The sensitive habitat types identified by the CNDDDB for the quadrangle and surrounding quadrangles are the following; Coastal and Valley Freshwater Marsh, Northern Hardpan Vernal Pool Northern Vernal Pool and Valley Needle Grass Grassland. The above referenced habitat types are not present on the project sites.

Although the CNDDDB does not show any listed species for the project site, the study area is within the mapped area for the Foothill Yellow-legged Frog and the Western Pond Turtle. Foothill Yellow-Legged Frog is a California Species of Special Concern. The CNDDDB reports an occurrence within Conn Creek south of the project site. The species was not observed during review of the site. The seasonal hydrology of the stream likely limits its suitability for foothill yellow legged frogs. The stream does not provide breeding habitat due to its seasonality. Western Pond Turtle is a California Species of Special Concern; its federal listing status is currently under review by the USFWS. The nearest documented occurrence is from Conn Creek south of the site. Suitable aquatic habitat for the species is not present within the stream. The riparian woodland and oak woodland habitat in the area provides low potential for this species. No western pond turtles were observed during the reconnaissance assessment.

No raptor nests, bird rookeries, bat roosts, wildlife dens or burrows were observed within the project footprint. Very few burrows were observed, but small mammals and songbirds likely utilize habitats on the project site for foraging and cover. No significant wildlife dens or burrows were observed.

The study notes that no habitat for listed animals or critical habitat was identified within the footprint of the proposed study area, and based on the associated habitat present it is unlikely that there was an impact to any listed special-status plant or animal species known for the Quadrangle or the region. The present conditions of the project sites and historic use are such that there is little reason to expect the occurrence of any special-status animal species on the property or within the footprint of the project. The project site conditions are such that there is no reason to expect any impacts to other special-status species off-site provided standard best management practices are utilized during removal of improvements and the revegetation is implemented. Impacts would be less than significant.

Based on the Kjeldsen report, the combination of leaving some items in place and removing other items, with the requirement to complete revegetation along the bank, would not have significant impacts. Potential impacts to candidate, sensitive, or special status species or habitat, riparian habitat, or wetlands would be less than significant.

- d. As discussed in the Kjeldsen study, wildlife habitat and wildlife corridors are natural areas interspersed with developed areas are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, and retention of predators of agricultural pests and for movement of wildlife and plant populations. Wildlife corridors have been demonstrated to not only increase the range of vertebrates including avifauna between patches of habitat but also facilitate two key plant-animal interactions: pollination and seed dispersal. Corridor users can be grouped into two types: passage species and corridor dwellers. The data from various studies indicate that corridors should be at least 100 feet wide to provide adequate movement for passage species and corridor dwellers in the landscape. The project site is surrounded by a winery and vineyards. There is limited wildlife habitat and a relatively small area to be used as a wildlife corridor. The proposed removal of improvements and maintaining existing, unpermitted improvements within the setback will not substantially interfere with native wildlife species, wildlife corridors, and or native wildlife nursery sites. No impacts would occur.
- e./f. The site is not subject to any adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans. The project would not conflict with any local policies or ordinances protecting biological resources. No impacts would occur.

Mitigation Measures: None are required.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/b. Prior to permitting for the original winery, Archaeological Resource Service prepared a survey for the site, dated August 28, 1981. The survey identified resources near the stream area adjacent to the existing residence. The resources were unintentionally disturbed by work completed after the approval of the project. No physical improvements associated with this project are located in close proximity to the resource. The following standard condition of approval will be included to cover all development activities on site. If resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and monitoring representatives or a qualified archaeologist shall be retained to investigate the site in accordance with the following standard condition of approval. Impacts are anticipated to be less than significant.

7.2 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

- c. No human remains have been previously encountered on the property, and no information has been encountered that would indicate that this project would encounter human remains. If human remains are encountered during project development, construction of the project is required to cease, and the requirements of Condition of Approval 7.2, listed above, would apply. No impacts would occur.

Mitigation Measures: None are required.

VI.	ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project would comply with Title 24 energy use requirements for improvements within the new building. In complying with these requirements, the project would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.
- b. There are no state or local plans for renewable energy or energy efficiency applicable to the subject site. No impacts would occur.

Mitigation Measures: None are required.

VII.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a.
- i.) There are no known faults that run beneath the project site on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing of a known fault. Impacts would be less than significant.
 - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Code and standards related to the construction of building improvements reduce the potential impacts to a less than significant level in relation to seismic ground shaking.
 - iii.) According to Napa County Environmental Resource maps (based on the following GIS layer – Liquefaction) the flat portion of the parcel with the existing winery development is an area with a High susceptibility to liquefaction. Project improvements would be within existing buildings and areas on the site that are already developed or used for agricultural purposes. The hillside portion of the parcel is designated in an area with a Very Low susceptibility for liquefaction. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Building modifications will be constructed in compliance with the latest edition of the California Building Code for seismic stability. Impacts would be less than significant.
 - iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon) there is no evidence of landslides on the property or adjacent properties. Improvements are within already developed areas. Impacts are expected to be less than significant.
- b. Site improvements are primarily located in areas already developed by the existing winery buildings, residential structures, driveway and parking area, and vineyards. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the County Engineering Division prior to the commencement of any on site land preparation or construction. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code. Prior to issuance of a building or grading permit the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. Engineering Division Conditions of Approval have been included to ensure compliance with the requirements. Impacts would be less than significant.
- c/d. According to the Napa County Environmental Resource Maps (based on the following layers - Geology, Surficial deposits, Soil Types, Geologic Units), the flat portion of the property includes Cortina very gravelly loam (0 to 5 percent slopes), on surficial deposits of alluvium (Holocene Qha). The vineyard and hillside portions of the property include Yolo loam (0 to 15 percent slopes) and Forward-Kidd complex (11 to 60 percent slopes). No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Building improvements will be constructed in compliance with the latest edition of the California Building Code. The project is not proposed on an unstable geologic unit or soil that would become unstable or would create direct or indirect risks to life or property. Impacts are expected to be less than significant.
- e. A Wastewater Feasibility Study, dated November 11, 2019, was prepared by Summit Engineering, detailing the existing system and proposed changes to accommodate the changes in employees and hospitality. The existing sanitary sewage (SS) and process wastewater (PW) disposal systems are located to the north of the winery building and the septic system for the residential building (to be converted to winery offices) is located south of the building.
- The facility is not proposing any increase to the permitted wine production capacity and will continue to utilize the existing PW settling tank and mound system for PW treatment and disposal. An above ground surge tank for the process wastewater transfer pump is one of the items located within the stream setback. The tank is proposed to remain. If the tank is removed a separate sewer line permit application will be submitted to either disconnect the PW surge tank and remove all non-permitted equipment from the stream setback or to replace the equipment outside of the setback. 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. Improvements to or redesign of the system may require submittal of additional use permit modifications in addition to the required permits from the Environmental Health Division. Potential environmental impacts would be evaluated at that time.
- The existing residential septic system does not meet current setbacks to the stream. The change of occupancy of the building will trigger improvements to the septic system. The existing residential system is proposed to be properly destroyed, and the converted residence

will need to tie into the existing winery SS treatment and disposal system.

The SS system will be modified to accommodate additional SS flows from visitation, employees and marketing events. The study assessed the feasibility of treating and disposing of the increase in SS associated with the proposed increase in visitation and marketing events. The SS system will be designed to handle the peak daily SS flow of up to 2,400 GPD, associated with a peak tasting day of 250 guests and an event of up to 45 guests serving food prepared onsite. Any larger events will require that meal prep and/or catering occurs offsite and portable toilets are utilized. The existing three zone leach field, approximately 1,800 linear feet of installed leach trench, will provide for necessary effluent disposal. An additional 100% reserve (approximately 25,000 square feet) has been identified and is suitable for the design capacity of 2,400 GPD.

The proposed wastewater improvements to the SS system presented in this feasibility study will expand the system as necessary to accommodate the proposed operational increases and consolidate the system to incorporate the converted residence. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. The project area is capable of adequately supporting the use of the septic system. Impacts would be less than significant.

- f. No paleontological resources or unique geological features have been identified on the property in the project area. Structural and site development is primarily in the developed areas. The project is unlikely to uncover paleontological or unique geological features. Impacts would be less than significant.

Mitigation Measures: None are required.

VIII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: On April 20, 2022, the Bay Area Air Quality Management District (BAAQMD) adopted new recommended thresholds for determining the significance of individual projects' greenhouse gas impacts under CEQA. Under the new thresholds, proposed land use projects may be analyzed for consistency with a qualified greenhouse gas (GHG) reduction strategy in the event one has been adopted. To date, Napa County has not adopted a qualified GHG reduction strategy pursuant to CEQA Guidelines section 15183.5. Absent an adopted strategy, BAAQMD recommends that a land use project must include specified minimum design elements to ensure that the project is contributing its "fair share" toward achieving the state's key climate goal of carbon neutrality by 2045. Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

- a-b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.

Consistent with the General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAQMD proposed thresholds for land use projects are designed to address "Operational" GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a winery generally include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions).

As noted above, Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

Specifically for buildings, the project must not:

- Include natural gas appliances or natural gas plumbing (in both residential and nonresidential development); and
- Result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA section 21100(b)(3) and CEQA Guidelines section 15126.2(b).

The project will be required, through conditions of project approval, to prohibit the use of natural gas appliances or plumbing. Additionally, at the time of construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. The new construction will be required to install energy efficient fixtures complying with CA building code Title 24 standards. See section VI. Energy for additional information on energy usage.

Specifically for transportation, the project must:

- Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, and
- Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target reflecting the following recommendations:
 - Residential projects: 15 percent below the existing VMT per capita;
 - Office projects: 15 percent below the existing VMT per employee; or
 - Retail projects: no net increase in existing VMT.

The project will be required to comply with the recently adopted version of CALGreen Tier 2. Project approval will include a condition of approval to ensure this is reviewed and implemented at the time of construction through adherence to the California Building Code.

As discussed above and in section XVII. Transportation, the Traffic Impact Study prepared for the project included the recommendation for preparation of a Travel Demand Management Plan to reduce VMTs.

Additionally, the applicant already implements the following greenhouse gas reduction methods at the winery, as listed on the County Voluntary Best Management Practices Measures worksheet submitted with the application. Construction and site improvement development included utilizing energy conserving lighting and water efficient fixtures; implementation of a Travel Demand Management plan with employees incentives, bicycling incentives, and priority parking for electric vehicles; and habitat restoration. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures.

If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building code, and the County's conditions of approval, impacts are considered less than significant.

Mitigation Measures: None are required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project would not involve the transport of hazardous materials other than those small amounts utilized in typical winery operations. Impacts would be less than significant.
- b. Hazardous materials such as diesel and maintenance fluids would potentially be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of an existing winery that would not be expected to use any substantial quantities of hazardous materials. The operation changes are not anticipated to significantly increase the quantities. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environments. Impacts would be less than significant.
- c. There are no schools located within one-quarter mile from the existing winery buildings. The nearest schools are within the City of St. Helena, approximately three (3) miles away north of the property. No impacts would occur.
- d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.
- e. No impact would occur as the project site is not located within an airport land use plan.
- f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed modifications to the use permit. The existing driveway would remain. The northern portion of the driveway would be designated a one-way loop for emergency vehicles and employees. Visitors would not utilize this portion of the driveway. The driveway would continue to meet County standards. The winery would not obstruct an emergency response or evacuation plan. Impacts would be less than significant.
- g. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the parcel

is designated as an area of moderate fire risk. The proposed project would not expand winery structures beyond the existing developed area. The proposed physical improvements are within the existing developed area of the site and the northern portion of the stream. The improvements would not result in a physical modification to the site that would alter factors that would likely exacerbate wildfire risks. Access onto and throughout the parcel would comply with the Napa County Road and Street Standards, which includes designs to accommodate fire apparatus. The proposed project would increase by appointment tours and tastings, adds two events, and increases employees, thus increasing the total number of employees, visitors, and guests who work at and visit the project site on a daily and annual basis. Although the project results in a larger amount of people on site, the proposed physical improvements and operational changes do not increase the potential for significant loss, injury or death due to wild-land fires. See section XX. Wildfire for additional detail. Impacts of the project would be less than significant.

Mitigation Measures: None are required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
	i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The County requires all discretionary permit applications (such as use permits and ECPAs) to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

In March 2022, Governor Newsom enacted Executive Order N-7-22, which requires prior to approval of a new groundwater well (or approval of an alteration to an existing well) in a basin subject to the Sustainable Groundwater Management Act and that is classified as medium- or high-priority, obtaining written verification from the GSA (Groundwater Sustainability Agency) managing the basin that groundwater extraction would

not be inconsistent with any sustainable groundwater management program established in any applicable GSP (Groundwater Sustainability Plan) and would not decrease the likelihood of achieving sustainability goals for the basin covered by a GSP, or that it is determined first that extraction of groundwater from the new/proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. Because the project contains an existing well which is not being altered, Executive Order N-7-22 does not apply.

On March 28, 2022, August 9, 2022, and November 8, 2022, the Napa County Board of Supervisors adopted resolutions proclaiming a continued state of Local Emergency due to the 2021-2022 drought. On June 7, 2022, the Napa County Board of Supervisors provided direction regarding interim procedures to implement Executive Order N-7-22 for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use during the declared drought emergency. The direction limits a parcel's groundwater allocation to 0.3 acre feet per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies.

- a. As discussed in Section VII. Geology and Soils a Wastewater Feasibility Study, dated November 11, 2019, was prepared by Summit Engineering, detailing the existing system and proposed changes to accommodate the changes in employees and hospitality. The proposed wastewater improvements presented in this feasibility study will enhance the method of wastewater that is currently used by the facility. The nearest existing or proposed water well to the SS treatment and disposal systems is approximately 100 feet. No disposal of wastewater effluent will occur within 100 feet of any existing or proposed wells. 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 shall 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. Impacts would be less than significant. Additionally, water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. Impacts would be less than significant.
- b. The parcel is partially located within the GSA Subbasin and the 0.3 acre feet per acre per year calculation was used to determine the water allocation. For the 17.37 acre parcel the water allocation is 5.2 acre feet per acre per year. A Water Availability Analysis was prepared by Summit Engineering, revised October 25, 2022, to demonstrate that there is no net increase in water consumption associated with the proposed project. The report includes a comparison of water uses based on the permitted winery entitlements and proposed water demand. Because the winery is in the Use Permit Compliance Program the report included water use based on existing 2019 winery operations, including those components of operations that are out of compliance with permitted uses.

There are two existing wells onsite. The project well, "Well 1" is located on the northeast section of the property and was drilled in 2000. The second well on the property is not active. Well 1 serves as the primary water source for the winery facility and supplies the required potable water demand for the entire site, including winery operations and irrigation of landscaping, the olive grove, vineyards, and residence. The well pumps to a 6,000 gallon poly tank, from which water is treated with a water softener and conveyed to a 10,000 gallon concrete tank. Per previous testing, the source water from Well 1 meets the primary and secondary drinking water standards. A pressure system with pressure tanks delivers water from the 10,000 gallon storage tank, through the ultraviolet disinfection system, and is distributed to the winery. Water for fire suppression is provided by a series of tanks fed by the onsite well.

Domestic water use includes winery use from employees and visitors, along with irrigation for the vineyard, winery landscaping, and olive grove. For calculation purposes the winery irrigation is separated into three categories, based on irrigation records. Records from 2017 to September 2022 were used to determine the estimated uses. The Permitted water use calculation included use from the 2-bedroom residence. The residence will be converted to winery use, removing the separate residential water demand.

Winery irrigation water demand (partial vineyard and landscape) - The facility irrigation records are combined for landscaping and a portion of vineyard irrigation and referred to as winery irrigation. Water from Well 1 is treated through the disinfection system and then used to irrigate the winery landscaping and a portion of the vineyard. The winery proposes modifying some landscape irrigation from spray distribution to drip irrigation, resulting in an estimated decrease of 0.1 acre feet.

Olive grove water demand - Water from Well 1 is treated through the disinfection system and then used to irrigate the olive grove on the winery parcel. There are no proposed changes to the olive grove or associated water use.

Partial vineyard irrigation demand - Water from the onsite wells, prior to treatment through the potable water disinfection system, is used to irrigate the remaining portion of the vineyard not captured above. The total acreage of vineyard will remain unchanged and there are not estimated changes to the associated water use.

Winery domestic use – Calculations for water use associated with employees and visitors is based on the Guidelines for Estimating Non-Residential Water Usage in Napa County’s Water Availability Analysis Guidance Document. The proposed domestic water demand from the winery facility would increase with the proposed addition of employees, visitors, and marketing events. water use is estimated to increase by approximately 1 acre foot.

There is no proposed increase to permitted production levels. The winery intends to implement the following water reduction measures into their production operations and estimates a reduction of approximately 1.2 acre feet.

- The Cooling System Tower will be converted from water-cooled to air-cooled.
- The sanitizing method of the Bottle Line Filler Bowl will be converted from hot water to steam.
- Conversion of barrel soaking to steam use.

The increased demand for domestic water will be offset water savings associated with production processes, modifying some landscape irrigation practices, and the conversion of the residence. Overall the Proposed water use is slightly less than the Permitted use and the Existing levels.

Source of Demand	Permitted (acre-ft.)	Existing (acre-ft.)	Proposed (acre-ft.)
Winery Production	6.1	6.1	4.9
Winery Domestic Use *Permitted use – includes residential water use *Existing use – residence was not in use at the time of application submittal	0.9	0.9	2.0
Winery Irrigation	1.3	1.3	1.2
Partial Vineyard Irrigation	4.3	4.3	4.3
Olive Grove Irrigation	1.7	1.7	1.7
Total Use	14.4	14.4	14.1

The project will include the County’s project specific Condition of Approval setting a limitation on groundwater use for the parcel to the estimated water use based on permitted operations of 14.4 af/yr and requiring well monitoring. The condition would also include the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management - The parcel shall be limited to 14.4 acre-feet of groundwater per year for all water consuming activities (utilizing wells) on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence³ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Groundwater Demand Management Program
 1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
 2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
 3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
 4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this modification.

5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, 14.4 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) above shall commence prior to final occupancy.

The project has been designed to not increase water use above the permitted levels, therefore Tier II and Tier III analyses are not required to be prepared. Staff has considered impacts to public trust resources in the event that the project well may be connected to the stream which is a tributary to Conn Creek or to Conn Creek itself. Staff determined that because the project applicant has demonstrated that there will be no net increase in groundwater extraction over permitted uses, there are no adverse impacts to trust resources which would result from issuance of this permit. The applicant has reasonably demonstrated no net increase of groundwater extraction over permitted demand by abandoning an existing single-family residence, implementing water reduction measures in the winery processing operations, and changes to irrigation techniques. The County has satisfied its duty to consider impacts to trust resources and no further analysis is required.

The project would not increase water use beyond permitted levels, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. The project would not impede sustainable groundwater management of the basin. Impacts would be less than significant.

- c. Preliminary design plans demonstrate that the project design, including surfacing the northern parking area, would not substantially alter the drainage pattern on-site or cause a significant increase in erosion or siltation on or off the project site. As discussed in Section IV. Biological Resources, no new improvements are proposed within the bed and bank of the stream or the County stream setback. The proposed restoration plan would provide stabilization of the area within the stream setback. The permittee shall submit a final restoration plan to the County for review and approval and obtain any other required authorizations and/or permits from agencies with jurisdiction over the stream. Final improvement plans prepared prior to the issuance of a building permit or grading permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. Impacts would be less than significant.
- d. A portion of the southeast corner of the parcel is within the 100 and 500 year flood hazard boundaries. Existing wine processing activities are outside of the boundary. No new structural development is proposed with the boundary. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.
- e. In January 2022 the Groundwater Sustainability Agency (GSA) submitted a Groundwater Sustainability Plan (GSP) to the Department of Water Resources (DWR). As discussed above, the parcel is outside of the GSA Subbasin, and has designed the project to not increase water use above the existing levels of 14.4 af/yr. The project would not result in an impact to water use and would therefore comply with the GSP. No impacts would occur.

Mitigation Measures: None are required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project would not change the existing agricultural land uses of the property, which are consistent with the single-family houses and vineyards developed on properties proximate to the site. The proposed project would not introduce a non-agricultural use, nor any new, non-winery related development to the property. The proposed project would integrate with the property's surroundings and would not physically divide an established community. The project would have no impact.
- b. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is Agriculture, Watershed, and Open Space (AWOS) which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan. The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...).

The winery Use Permit was originally approved in July 1983, prior to the adoption of the Winery Definition Ordinance (WDO) regulations which established the 600-foot and 300-foot road setbacks. Napa County Code Section 18.104.230.B. permits wineries that were constructed prior to the adoption of the WDO to expand within the setback area only if the expansion is placed no closer than the nearest point of the existing structure to which the expansion is attached. An approximately 1,200 s.f. canopy over the outdoor work area on the western side of the winery was constructed as an attachment to the building. The canopy was constructed without building permits. The existing winery building is approximately 120 feet from the centerline of Silverado Trail and 46 feet from the centerline of Rutherford Road. The canopy is no closer to either road, with a distance of approximately 130 feet from Silverado Trail and 48 feet from Rutherford Road. No new construction is required. The attachment complies with section 18.104.230.B. The existing residence is also located within the 600-foot setback. Napa County Code Section 18.104.230.C. states legally constructed structures, existing prior to the enactment of the WDO, may be exempted from the setback if it is found that use of this exemption will result in a more environmentally beneficial placement of the winery. The residence was constructed in 1958 and conversion of the residence presents less of an impact than if a new building were constructed. Per the code section, the winery may not encompass or expand beyond the legally established footprint of the structure as it existed on the above stated date.

There are no applicable habitat conservation plans or natural community conservation plans applicable to the property. The project complies with the remainder of Napa County Code and all other applicable regulations. Impacts would be less than significant.

Mitigation Measures: None are required.

XII.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None are required.

XIII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The project would result in a temporary increase in noise levels during renovations to the interior of the existing winery building, surfacing the northern parking area, and the removal of some of the items adjacent to the stream. Impacts due to a temporary increase in ambient noise generated from construction activities, or from groundborne vibration, would remain below a level of significance through compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The County Noise Ordinance limits construction activities to daylight hours (7:00 a.m. to 7:00 p.m.) using properly muffled vehicles. In addition to the County Noise Ordinance, the project applicant will be required to comply with project Conditions of Approval (outlined below) related to construction noise, which will limit activities further by requiring construction vehicles to be muffled and backup alarms adjusted to the lowest allowable levels. Due to the distance, natural terrain of the area, and ambient noise levels from Silverado Trail and Rutherford Road there is a low potential for impacts related to construction noise to result in substantial temporary or long-term construction noise impacts. Impacts would be less than significant.

7.3. CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses in the area are rural residential properties, vineyards, and undeveloped hillsides. Of those land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.), the timeframe within which the winery would have visitation and marketing events. Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use).

Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. The EIR estimates typical winery operations would occur between 7:00 a.m. and 6:00 p.m. (excluding harvest) with marketing events generally occurring between 11:00 AM and 10:00 p.m. The winery is not proposing changes to their current operating hours for production. There is no change to production levels, so there should not be a significant increase in noise levels related to production activities.

Hospitality activities would continue to take place in the winery building and on the patios outside the winery building and residence (proposed to be converted to winery use). These areas are surrounded by trees and vegetation. The winery would modify visitation from approximately 265 guests per day to a maximum of 250 guests per day and approximately 820 guests per week to 1,500 guests per week. The winery is not proposing changes to their existing visitation hours occurring between 10:00 a.m. and 6:00 p.m. An annual marketing plan would permit 36 events per year, occurring between 10:30 a.m. and 10:00 p.m. The winery had previously hosted up to 65 events per year. Although the number of guests would increase, the location of tastings and times would remain the same. The closest residences to the north, east, and south are approximately 800 feet away.

Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term, significant, permanent noise impacts. Impacts would be less than significant.

- c. The project site is not located within an airport land use plan or the vicinity of a private airstrip. No impact would occur.

Mitigation Measures: None are required.

XIV.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a “decent home and satisfying living environment for every Californian.” (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County’s long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.

The State of California’s Department of Finance projects the total population of Napa County to increase 4% between the year 2020 and 2060 (State of California Department of Finance Projections, July 19, 2021, <https://dof.ca.gov/forecasting/demographics/projections/>). Unincorporated Napa County, and the five incorporated jurisdictions, all have existing state compliant Fifth Cycle (2014-2022) Housing Elements and are working on developing compliant Sixth Cycle (2023-2031) Housing Elements, as required by state law. Compliant Housing Elements indicates that the jurisdictions have enough dwelling units programed over the cycle to meet or exceed state growth projections.

The requested modification would facilitate the continued operation of an existing winery on the project site, with expanded hospitality service. The proposed project does not require installation of any additional, new infrastructure, including that which might induce growth by extending services outside of the boundaries of the subject site or increasing the capacity of any existing roadway. Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement). The fees are assessed with new construction and are collected at time of building permit issuance for new construction of winery buildings. New visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other businesses supporting the winery’s requested operations is uncertain, unquantifiable, and speculative.

The policies and programs identified in the General Plan Housing Element, in combination with the County’s housing impact mitigation fee, ensure adequate cumulative volume and diversity of housing. With limited staffing increases proposed and no off-site expansion of utilities or facilities to serve other developments, the project would have a less than significant impact on population growth.

b. Although the existing residence is being converted to winery use, the residence has not been in use since the winery was purchased in 2000. Thus, no residents would be displaced, and there would be no impact.

Mitigation Measures: None are required.

XV.	PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance				

objectives for any of the public services:

- | | | | | |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a. Public services are currently provided to the project area and the additional demand placed on existing services as a result of the proposed project would be minimal. Fire protection measures, such as winery access that meets Napa County Road and Street Standards (RSS) and defensible space will be required as part of the development. The Fire Department and Engineering Services Division have reviewed the application and recommend approval, as conditioned. There would be no foreseeable impact to fire or police emergency response times with compliance with these conditions of approval. The proposed project scope does not include construction of any new residential units nor accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the cities west and south of the winery. No new parks or other public recreational amenities or facilities (such as police or fire stations) are proposed to be built with or as a result of the requested use permit major modification. School impact fees, which assist local school districts with capacity building measures, would be levied for any required building permits for the project, however as demonstrated in Section XIV(a), Population and Housing, the project is expected to create a minimal increase in the county's population and its need for housing such that local schools would not be strained by the proposed project and the increase in visitation, marketing events, and employment. The proposed project would have minimal impact on public parks as no residences are proposed, and as previously noted the increase in regional population from the proposed project is expected to be minimal. Impacts to public services would be less than significant.

Mitigation Measures: None are required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The requested modification does not include any residential component and is not likely to lead to the accompanying introduction of new residents to the site or area. The modification would increase the number of winery employees and the number of weekly tours and tastings visitors to the property, some of whom might visit regional recreational facilities on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.
- b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit major modification. The proposed project would have no impact.

Mitigation Measures: None are required.

XVII.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a./c./d. The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips. Based on the County's winery trip generation assumptions, the proposed project would be expected to generate an average of 158 new trips per weekday and 147 trips on the weekend. A Traffic Impact Study (TIS) was prepared by W-Trans (October 21, 2020) to evaluate the existing traffic conditions and the potential impacts of the proposed project.

The parcel is accessed from a private driveway off Silverado Trail. There are no proposed changes to the driveway entry. The Department of Public Works concurs with the TIS recommendation to repave the shoulders along the project's frontage to improve the deceleration and acceleration to and from the project driveway, and has included this as a condition of approval. The project includes designation of a portion of the on-site driveway as a one-way loop, limiting access to the northern portion of the vehicles associated with winery operations and emergency vehicles. The design as proposed complies with the current Napa County Road and Street Standards (RSS).

In the project area, there are bike lanes on Conn Creek Road and Silverado Trail. According to the Napa Countywide Bicycle Plan, Napa Valley Transportation Authority, 2019, bicycle facilities are also proposed for State Highway 128 from Silverado Trail to State Highway 29. To accommodate cyclists the project would provide bicycle parking spaces in accordance with requirements of the California Building Code. Transit Services throughout Napa County are provided by Napa Valley Transit (VINE). There are no VINE stops within one-quarter of a mile of the project site. While the study area lacks pedestrian transit service, there is not expected to be a demand for this type of transit.

As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. All designs will comply with County RSS and Department of Public Works standards for safe access into and throughout the site. The project would not substantially increase hazards due to design features. Impacts would be less than significant.

b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised *CEQA Guidelines* in December 2018, along with a *Technical Advisory on Evaluating Transportation Impacts in CEQA* to assist practitioners in implementing the *CEQA Guidelines* revisions. The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that

would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new *CEQA Guidelines* and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact. The TIS Guidelines include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. This project would fall into the category of a "project modifying an existing facility that would generate additional trips". The TIS Guidelines state that if the net cumulative result of all project modifications after January 1, 2022, would generate less than 110 net new daily passenger vehicle and truck trips the project is presumed to have a less than significant impact for VMT. As noted above, the project would generate more than 110 trips, therefore a VMT analysis is required.

The additional trips resulting from employees and visitors would potentially increase VMTs. In order to reduce overall trips to the winery and reduce VMTs, the applicant has included Travel Demand Management (TDM) measures as part of the project. The project's TDM Program would provide information, encouragement, and access to travel options to reduce the number of vehicle trips. The measures are proposed as part of the project and are consistent with the goals of Caltrans' Smart Mobility 2010: A Call to Action for the New Decade. It is recommended that the incentives offered as part of the program be available for the first two years of operation, after which the effectiveness of the program should be reevaluated and modified, if needed. Recommendations include: Ridesharing program, carpooling and ridematching, priority employee parking for carpools, telework and flexible schedules as possible, guaranteed ride home program, monetary incentives, education and outreach marketing, and bicycle parking and facilities. Based on the California Air Pollution Officers Association (CAPCOA) report *Quantifying Greenhouse Gas Mitigation Measures*, CAPCOA, 2010, it is estimated that voluntary commute trip reduction measures with incentives to carpool can reduce a project's total VMT by about 1.0 to 6.2 percent. Trip reduction measures for visitors, such as the use of shuttles or high occupancy vehicles for visitation and marketing events, should be incorporated. The project includes appointment of a TDM Coordinator to implement operational procedures to reduce daily and overall trips and resulting VMTs. All records of the TDM activities and resulting data on reductions in VMTs will be kept and provided to the County as required. The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

- e. Developers of new or expanded land uses are required to provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand. Excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity is discouraged. The winery has 34 paved parking spaces located throughout the site, with an additional gravel parking area for approximately 14 vehicles. The project proposes to resurface the northern, dirt and gravel parking area and resurface area for 34 spaces along the eastern side of the on-site driveway next to the vineyards. This would result in a total of 81 parking spaces. Parking calculations presented by Summit Engineering show the parking spaces would be sufficient to serve all daily employees and visitation throughout the day. The calculation is conservative as it is unlikely all employees would be onsite at one time. Additionally, the winery conducts visitation by appointment and the project includes a TDM plan which incentivizes carpooling and large vehicles for guests. Valet parking at large events would allow parking along vineyards rows and double-parked cars at the 34 parking spaces. For large events the applicant should provide shuttle services or arrange for guests to park off site. A condition of approval will be included to ensure that shuttle services are provided for marketing activities. The proposed project would not be in conflict with General Plan Policy CIR-14. Impacts would be less than significant.

Mitigation Measures: None are required.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. On September 19, 2022, 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. On October 3, 2022, a response was received from Yocha Dehe tribe. They did not request additional information. No impacts would occur.

Mitigation Measures: None are required.

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a. As discussed in detail in Section VII. Geology and Soils, a Wastewater Feasibility Study, dated November 11, 2019, was prepared by

Summit Engineering, detailing the existing system and proposed changes to accommodate the changes in employees and hospitality. The proposed wastewater improvements presented in this feasibility study will enhance the method of wastewater that is currently used by the facility. The Water Feasibility Study prepared by Summit Engineering, dated March 26, 2019, states that there are no proposed changes to Well 1 and that the existing Public Water System (PWS ID CA-28-01035) serving the winery can meet the proposed facility demands. No improvements are required. Stormwater drainage would be managed through the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division. The project does not require the construction of new or expanded electric power, natural gas, or telecommunications facilities. Impacts are expected to be less than significant.

- b. As discussed in Section X. a Water Availability Analysis was prepared by Summit Engineering, revised October 25, 2022. The report concludes that there is no net increase in water consumption associated with the proposed project. The increased demand for domestic water will be offset water savings associated with production processes, modifying some landscape irrigation practices, and the conversion of the residence. Overall, the Proposed water use of 14.1 af/yr is slightly less than the Permitted use and the Existing levels of 14.4 af/yr. The proposed water use would not impact groundwater availability.
- c. As discussed above and in section X. Hydrology, project wastewater would be processed and utilized on site. Reports from the project engineer have demonstrated that this can be accommodated on site. The project is not served by a wastewater treatment provider; therefore, no impact would occur.
- d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have more than sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The existing driveway meets commercial standards as defined in the Napa County Road and Street Standards (RSS). Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the existing development. No impacts would occur.
- b. As discussed in Section IX. Hazards and Hazardous Materials the parcel is designated as an area of moderate fire risk. The proposed modifications to the existing winery building and implementation of the stream restoration plan would not result in a physical modification to the slope of the site, change prevailing winds, or alter other factors that would likely exacerbate wildfire risks and thereby expose

project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts of the project would be less than significant.

- c. As discussed in Section XIX. Utilities and Service Systems, the project proposes improvements to the existing water system. The project does not require installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts will be less than significant.
- d. The physical improvements are primarily located with the existing winery building or on the developed areas around the buildings. The proposed restoration would provide stabilization within the stream setback and would not alter the site drainage. There are no proposed changes to the existing vineyard and no development is proposed on the hillside. The proposed project would not physically alter the site in a way which would expose people or structures to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures: None are required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. As discussed in Section IV. Biological Resources, no sensitive species or habitats were identified on site during the Kjeldsen site visit. Kjeldsen opines that no potential impacts would occur from maintaining some of the development and restoring areas where items are to be removed. Prior to ground disturbing activities or removal of improvements within the stream setback, the applicant shall submit to Napa County for review and approval improvement plans detailing the process for removal of improvements and a final stream restoration plan. Impacts would be less than significant. As identified in Sections V. Cultural Resources, resources were previously identified on site and most were damaged by subsequent development. The proposed project would not impact the area where the remaining resources are located. With incorporation of conditions of approval, potential impacts to cultural resources will be less than significant.
- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to air quality, greenhouse gas emissions, hydrology, and traffic are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in Section VIII. Green House Gas and Section XVII. Transportation, potential impacts to air pollution and GHG emissions are being addressed through meeting BAAQMD recommended design elements; Greenhouse Gas Voluntary Best Management Practices; construction and site improvement development included utilizing energy conserving lighting and water efficient fixtures; implementation of a Travel Demand Management plan including employees incentives, bicycling incentives, and priority parking for electric vehicles; and habitat restoration. Per County TIS Guidelines any future modification to the winery would look at a VMT analysis for the net cumulative result of all project modifications after January 1, 2022, including this project as approved. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would not increase water use above the permitted conditions. Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. Overall, potential cumulative impacts would be less than significant.

- c. All impacts identified in this negative declaration are less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human being either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None are required.
