

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

**Initial Study Checklist**  
**(form updated January 2019)**

1. **Project Title:** Fantesca Winery Administrative Application (P24-00158), Use Permit Minor Modification (P23-00245), and Exception to the Napa County Road & Street Standards.
2. **Property Owner:** Duane Hoff, 2920 Spring Mountain Road, St Helena, CA 94574. Phone: (707) 688-3333 or email: duane@fantesca.com
3. **County Contact Person, Phone Number and email:** Wendy Atkins, Planner II, Planning, Building & Environmental Services, 1195 Third Street, Second Floor, CA 94559. Phone (707) 259-8757 or email: wendy.atkins@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):** The project is located on approximately 52.6 acres at 2920 Spring Mountain Road, St. Helena, 95474. APN 022-250-008
5. **Project sponsor's name and address:** Donna Oldford, Plans4Wine, 2620 Pinot Way, St. Helena, CA 94574. Phone (707) 204-5794 or email: dboldford@aol.com
6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Background/Project History:**

Fantesca Winery, formerly Shadow Lace Winery, was approved by the Planning Commission on October 31, 2001 (00236-UP) and a Mitigated Negative Declaration was adopted establishing a new 20,000 gallon per year winery totaling 4,700 square feet, including the following:

  - Construction of a 1,188 square foot uncovered tank pad.
  - The use of 6,900 square feet of caves for winery barrel storage and marketing activities, crushing, fermentation, barrel aging, and bottling.
  - The total enclosed floor area of the winery shall not exceed 11,600 square feet.
  - Custom production (crushing, fermentation, barrel ageing, and bottling) for a maximum of three entities up to a maximum of 37 percent (13,400 gallons/year) of the production capacity of the winery until Harvest 2004. Effective Harvest 2005, custom production (crushing, fermentation, barrel aging, and bottling) for a maximum of three entities up to a maximum 50 percent (10,000 gallons/year).
  - No Tours and Tastings or retail wine sales permitted. No winery signage displayed except the address.
  - Marketing activities between the hours of 12:00-4:00 pm or 6:00-10:00 pm weekdays and between the hours of 12:00-3:00 PM or 4:30-10:00 pm weekends, with the winery caves and are limited to:
    - Private wine and food tastings for trade:  
Frequency: two per year  
Maximum attendance: 15 persons
    - Private winery and food events:  
Frequency: one per year  
Maximum attendance: 80 persons
    - Private harvest event:  
Frequency: one per year

Maximum attendance: 50 persons

- Six parking spaces.
- Installation of a specially designed sewage disposal system.

A Major Modification (P06-0078-MOD) was approved by the Planning Commission on November 15, 2006, to allow the following: 1) increase the annual wine production capacity from 20,000 gallons/year to 30,000 gallons/year; 2) eliminate custom crush permit conditions; 3) increase the number of employees from two full-time and one part-time to two full-time and five part-time employees; and, 4) increase the number of one-site parking spaces from six to 13 spaces.

A Minor Modification (P09-00422-MM) was approved by the Planning Director on December 11, 2009, which converted the existing 96 square foot wine lab to winery storage, relocated the wine lab and share the existing 308 square foot tasting area.

A Major Modification (P13-00080-MOD) was approved by the Planning Commission on October 2, 2013, to allow the following: 1) tours and tastings visitation by appointment, Monday through Sunday, for a maximum of 18 persons per day: with a weekly maximum of 100 persons; between 10:30 a.m. to 6:30 p.m.; 2) modified the marketing program to allow the following:

- Type of Event: Auction event  
Frequency: one (1) time per year  
Number of persons: 125 maximum  
Time of Day: 11:00 am – 10:00 pm
- Type of Event: Food and Wine events  
Frequency: three (3) times per month  
Number of persons: 20 maximum  
Time of Day: 11:00 am – 10:00 pm  
Tours and Tastings shall be limited to a maximum of 12 persons per day when Food and Wine events are held.
- Type of Event: Wine Club Release  
Frequency: six (6) times per year  
Number of persons: 60 maximum  
Time of Day: 11:00 am – 10:00 pm

3) changed the winery's hours of operation from 7:00 a.m.- 5:00 p.m. to 6:00 a.m. - 6:00 p.m. 4) recognized an existing 1,188 square foot crush pad; 5) modify employees from two full-time and five part-time to six full-time and three part-time; 6) permitted a 600 square foot existing outdoor space adjacent to the front of the cave portal to be used for marketing events; 7) on-site consumption of wine produced on-site in accordance with Business & Professions Code sections 23358, 23390 and 23396.5 ; 8) realigned the access road and construct an entry structure and gate; 9) installation of two blue winery directional signs on Spring Mountain Road, a winery identification sign at the gate; and, 10) an exception to the Napa County Road and Street Standards (RSS) to allow for a reduced driveway width at two locations and a slope of 25 percent at the existing driveway.

9. **Description of Project:** The Use Permit Minor Modification would allow the winery to:

- 1) Replace seven fermentation tanks with nine fermentation tanks in the existing winery building;
- 2) Construct three freestanding pod structures (for a total of 2,629 square feet), which would be used for winery tasting, marketing events, offices, and storage;
- 3) Install 7,435 square feet of landscaping;
- 4) Install a new firetruck turnaround;
- 5) Install six new parking spaces which would accommodate employees and visitors, one of which will be ADA compatible, for a total of 19 parking spaces;
- 6) Installation of a new winery road to access the freestanding pod structures;
- 7) Remove 0.5 acres of vineyard to accommodate new site improvements and to offset water use associated with the landscape areas; and
- 8) Remove 11 oak trees. The project proposes to mitigate for the loss of 0.007 acres of oakwood (or 11 trees) by permanently protecting 0.3 acres of oak woodland on slopes less than 30 percent and outside of stream setbacks.

In addition, the application seeks to recognize the existing winery coverage area of 60,521 square feet, which was inaccurately calculated as 11,586 square feet in previous applications.

Additionally, a request for an Exception to the Napa County Road and Street Standards (RSS) to allow a non-standard driveway connection to Spring Mountain Road and a reduced driveway width of approximately 17 feet to 18 feet paved for a total of approximately 450 feet along the existing driveway in three discrete locations to avoid substantial grading on steep slopes and the removal of numerous

trees (Stations STA 14+50 to STA 18+00, to STA 18+50 to STA 19+00, and to STA 19+50 to 20+00). From Spring Mountain Road, the road traverses steeply sloping hillsides for approximately 0.2 miles to its terminus at the winery. The RSS requires a 22-foot minimum width for roads serving commercial uses such as this winery. The majority of the existing road does not meet the minimum width requirement. The Fantesca Winery project is seeking Exception to the RSS to accommodate steep slopes and environmental constraints.

There are no changes to the winery's production, visitation, marketing activities, or number of employees as previously approved under 00236-UP, P06-0078-MOD, P09-00422-MM, and P13-00080-MOD.

An Initial Study is required to be prepared because the proposed project results in an increase of more than 2,500 square feet allowed under CEQA Exemption 15301 Existing Facilities. In addition, grading is proposed on land with slopes of between 9.7 percent and 29.5 percent, which exceeds the allowable slope under CEQA Exemption 15304 Minor Alterations to Land.

10. **Describe the environmental setting and surrounding land uses.** The 52.6-acre site is directly adjacent to the west side of the City of St. Helena. The parcel is currently developed with a 7,700 square foot single family residence, 11,586 square foot winery building, a 6,882 square foot cave, 13 parking spaces, and three wells (only one well supplies the winery). Approximately 7.09-acres are planted in vineyards and 2.05 acres of vineyard are fallow. The project parcel is accessed from a private driveway off Spring Mountain Road. The existing winery building is located approximately 670 feet from the private driveway. The winery building is proposed to remain. Three new accessory pod structures totaling 2,692 square feet are proposed for visitation, marketing activities, offices, and storage.

The project site contains slopes of between 0 and over 50 percent. Soil types include Forward silt loam, 12 to 57 percent slopes, MLRA 15, Aiken loam, 30 to 50 percent slopes, Hambright-Rock outcrop complex, 2 to 30 percent slopes, and Henneke gravelly loam, 30 to 75 percent slopes. The lowest elevation on the parcel is approximately 415 feet amsl while the highest elevation on the project parcel is approximately 785 amsl. State of California, Department of Conservation Farmland Mapping and Monitoring Program designates the vineyards on the parcel as 'Unique Farmland', while the remainder of the parcel is designated 'Other Land'. Napa County Environmental Resource Map (GIS layer: vegetation) designates the vineyard area as agriculture, a small area at the southern portion of the property as Leather Oak – White Leaf Manzanita ) Chamise Xeric Serpentine, with the remainder of the parcel as Mixed Oak. The project contains five main soil types: Hambright-Rock outcrop complex, 2 to 30 percent slopes; Forward silt loam, 12 to 57 percent slopes, MLRA 15; Aiken loam, 30 to 50 percent slopes; and, Henneke gravelly loam, 30 to 75 percent slopes. The project well that supplies the winery site lies outside the boundaries of the Significant Streams 1500 foot buffer and outside of the Groundwater Sustainability Agency boundary. The entire site is located with a High Fire Hazard Severity Zone / WUI.

The project parcel is located in the Napa River Watershed and is within the Western Mountains groundwater subarea. A number of ephemeral drainages traverse the parcel which drain to a small portion of a freshwater pond located on the southeast portion of the site.

The property is surrounded by rural residential uses and agricultural (vineyard) uses. Within one mile of the site there are 16 approved wineries. The nearest neighboring residence is located approximately 1,500 feet to the northeast.

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, and an encroachment permit, 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**

California Department of Fish and Wildlife (CDFW) Region 3 (T)  
California Air Resources Board (R)  
Regional Water Quality Control Board (Regional Water Board,  
San Francisco Bay Region 2 (R)  
California Department of Forestry and Fire Protection (T)  
State Water Resources Control Board, Division of Water Quality (R)(T)  
State Water Resources Control Board, Division of Drinking Water (R)  
California Department of Transportation District 4 (Caltrans) (T)  
Department of Forestry and Fire Protection (CalFire) (T)

**Other Agencies Contacted**

Middletown Rancheria  
Mishewal Wappo Tribe of Alexander Valley  
Yocha Dehe Wintun Nation

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 October 24, 2024, 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. A response from the Middletown Rancheria of Pomo Indians was received on October 24, 2024, which concluded that the project is within Middletown Rancheria's Area of Concern, but that a review of the proposed project information has indicated that no ground disturbance is proposed as part of the project. A response from the Yocha Dehe Wintun Nation was received on November 21, 2024, which concluded that the project is not within the aboriginal territories of the Yocha Dehe Wintun Nation, and declined any comment on the project. No additional requests for consultation were received within the consultation period.

**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.

Other sources of information used in the preparation of the Initial Study include site-specific studies conducted by the applicant and filed by the applicant in conjunction with Applications Nos. P23-00245 and P24-00158 as listed below, and the environmental background information contained in the permanent files on this project. The documents and information sources are incorporated herein by reference and available for review at the Napa County Department of Planning, Building and Environmental Services located at 1195 Third Street, Suite 210, Napa, CA 94559:

- Winery Use Permit Project Statement for the Fantesca Estate Winery dated February 4, 2025, and Winery Use Permit Conceptual Site Improvement Plans, dated September 14, 2024
- Winery Use Permit Application, dated April 11, 2023
- Water Availability Analysis Report for the dated: 2/28/25
- Napa County Geographic Information System (GIS sensitivity maps/layers)
- Winery Use Permit Napa False-Indigo Plants Assessment for the Fantesca Winery Project dated: August 8, 2024
- Winery Use Permit Northern Spotted Owl Assessment for the Fantesca Winery Project dated: August 8, 2024

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a (SUBSEQUENT) 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.

Wendy Atkins

Signature

April 16, 2025

Date

Name: Wendy Atkins, Planner II  
Napa County Planning, Building and Environmental Services Department

I. <b>AESTHETICS.</b> 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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. 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, this area is defined by a mix of vineyard, winery, and residential uses. The project would not result in substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings because the new pods are compatible with the colors surrounding the natural landscape and have been sited down the hill from the existing winery which will provide screening. The project site is currently developed with a single-family residence, winery building, cave, and three wells (only one well supplies the winery). Approximately 7.09-acres are planted in vineyards. The proposal includes improvements to the driveway which will not adversely effect a scenic vista because the project is not in an area considered a scenic vista.
- b. The project does not endanger any scenic resources within a state scenic highway, such as trees, rock outcroppings or historic buildings, because the project is not viewable from a designated state scenic highway. There are no rock outcroppings visible from the road or other designated scenic resources on the property.
- c. Spring Mountain Road 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 winery is located on slopes less than 15 percent; therefore, the project is not subject to the Viewshed ordinance. Although Spring Mountain Road is a designated scenic road, winery activities, the internal access driveway, and buildings cannot be seen from the road. External modifications to the site are limited and would not degrade scenic vistas, scenic resources, and the existing views of the site because the project is not in area considered a scenic vista or scenic resources.
- d. The proposed construction of three freestanding winery pod structures may have the potential to impact nighttime views. Pursuant to standard Napa County conditions of approval for wineries, any new outdoor lighting will be required to be shielded and directed downwards, with only low-level lighting allowed in parking areas. As designed, and as subject to the standard condition of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

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 floodlighting 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. <sup>1</sup> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

<sup>1</sup> "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. As shown on the Napa County Important Farmland Map 2002 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, a portion of the 52.6-acre project site includes approximately 42.92 acres as "Other Land". This area includes slopes of 0 to over 50 percent and is densely covered in trees. An approximate 9.68-acre portion in the center of the parcel is designated "Unique Farmland", which includes approximately 7.09-acres planted with vineyards, and 2.5 acres which is currently fallow. No portions of the Unique Farmland would be developed with winery infrastructure and approximately 7.09-acres would continue to be planted in vineyards. Land on the property would continue to be used for an agriculture use. In total, 0.5-acres of fallow vineyards which is in process of being replanted is proposed to be removed to accommodate new site improvements and water use associated with the landscape areas. No portions of Prime Farmland are proposed to be removed.
- b. General Plan Agricultural 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 agricultural. The proposed project would not conflict with existing zoning for agricultural uses. There are no Williamson Act contracts recorded for the parcel. Therefore, there will be no conflicts with existing zoning, or a Williamson Act contract and no impacts will occur.
- c/d. There is no forest land on-site. According to the Napa County Environmental resource maps (based on the following layers – Sensitive Biotic Oak Woodlands, Agriculture, and Riparian Woodland Forest) the project site contains Oak woodlands.
- e. The project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. Wineries and accessory uses are considered agricultural uses in Napa County. No impacts will occur.

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 District's (BAAD) 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 BAAD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAD's website and included in BAAD'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 BAAD to any specific course of regulatory action.

The Air District published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's 2015 opinion in *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist.*, 62 Ca 4th 369.

- 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 (BAAD, *In Your Community: Napa County*, April 2016).

The thresholds of significance for use in determining whether a proposed project will have a significant impact on GHG's, and climate change (BAAD, April 2022) did not affect the Air Quality CEQA Thresholds of Significance for the above mentioned air pollutants (i.e., ROG, NOx, PM10 and PM2.5) identified in Table 3-1 of the BAAD 2022 Guidelines. As such, those thresholds will be used to determine the significance of potential air quality impacts associated with air pollutant emissions.

BAAD 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. BAAD 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 BAAD 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.

Table 4-1 Single Land Use Construction and Operational Criteria Air Pollutant and Precursor Screening Levels was used as the screening criteria. Given the size of the proposed project, which is approximately 2,692 square feet for three new freestanding winery pods compared to the BAAD's screening criterion of 105,000 square feet (high-quality restaurant) and 998,000 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 well 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 earthmoving and construction activities required for project construction related to the construction of the three new freestanding pod structures and infrastructure improvements. The nearest neighboring residence is located approximately 1,500 feet to the northeast Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings, if

applicable. The proposed grading plan has been designed to minimize cut and fill. New road surfaces will contain asphalt concrete paving materials, new walking paths will contain gravel paving materials, new accessible paths will contain light duty concrete paving materials, and the new accessible parking space will contain heavy duty concrete paving materials. In total 2,700 cubic yards of cut and fill will occur on site area, with spoils placed on site in the existing vineyard or hauled off-site to a location, which will be pre-approved by Napa County. These potential construction impacts would be temporary in nature and subject to standard conditions of approval from the Engineering Division as part of the grading permit or building permit review process. 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 will not expose sensitive receptors to substantial pollutant concentrations and are considered less than significant:

## 7.1 SITE IMPROVEMENT

### c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAD 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 BAAD'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 tracked 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 State Regulations). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
8. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAD 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/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

Furthermore, while earthmoving and construction on the site will 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 IMPROVEMENT

### 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.

Mitigation Measures: None are required.

IV. <b>BIOLOGICAL RESOURCES.</b> 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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. The project consists of construction of the three new freestanding pod structures and infrastructure improvements. According to County of Napa Environmental Mapping (GIS Vegetation layer) the parcel is identified as Agriculture. Soil types include Aiken loam, 30 to 50 percent slopes. The proposed project proposes the removal of 11 trees. As discussed in subsection (e) and (f) of this section, Oak woodland preservation and retention has been incorporated to comply with Napa County Code (NCC). Riparian habitat communities were not identified on site. According to County of Napa Environmental Mapping (CNDDDB layer) there is a potential for Napa False-Indigo to occur on the site. As part of the application a study entitled “Napa False-Indigo Plans for the Fantesca Winery Project” was prepared on August 8, 2024, by Scott Butler, Consulting Registered Professional Forester. The assessment found that no Napa False-Indigo plants were located at the Project Site or within 100’ of the site.
- b. According to the GIS layer – CNDDDB Owl Habitat, potential for owl habitat occurs on the subject parcel. As part of this application a study entitled “Northern Spotted Owl Assessment for Fantesca Winery Project” was prepared on August 8, 2024, by Pamela Town, consulting wildlife Biologist. The assessment found that the Project Area does not contain suitable northern spotted owl habitat, nor is there suitable habitat within ¼ mile of the Property Boundary, primarily due to the 2020 Glass Wildfire and location close to the Napa Valley bottom. There are no known northern spotted owl territories within 1.3 miles of the Property Boundary.
- c. According to the Napa County Environmental resource maps based on the following GIS layer – Wetlands and vernal pools and

National Wetlands Inventory, a portion of the site in the southeast, located adjacent to the City of St. Helena, contains a potential National Wetlands Inventory freshwater pond. This area is located approximately 1,300 feet from the project site and therefore, no impact will occur.

- d. The parcel is not within a mapped Natural Landscape Block or Essential Connectivity Area per the BIOS (Biogeographic Information and Observation System) Habitat Connectivity Viewer: BIOS Viewer@CDFW). However, according to the Napa County GIS databased Biological layer the property is located within a portion of the California Bay Area Linkage Network, specifically the Blue Ridge-Marine Coast corridor running roughly north-south that is approximately 1.3 to 6.5 miles wide on the threshold between eastern Sonoma and northwestern Napa Counties, as well as southern Lake and northern Napa Counties. At the scale of landscape linkages, this relatively broad linkage/corridor provides connectivity between the bay lands of San Pablo Bay and areas from northwestern Napa County northward. While the parcel is located within this larger linkage network the property is not within a designated wildlife corridor and is located within a much larger tract of forest and lightly-developed land within a rural portion of Napa County. While common wildlife species presumably utilize the site to some degree for movement at a local scale, the project area does not provide corridor functions beyond connecting similar forested and heavily wood land parcels in surrounding areas. At the local scale, the avoidance of the ephemeral drainages and of substantial portions of the property's existing woodland, only 11 trees are proposed for removal (and permanent preservation area of 0.3 acres is proposed as part of the project to offset the removal of these tree) would provide for continued localized wildlife movement and shelter habitat for wildlife species. The proposed pods are located in close proximity to the existing winery building and existing vineyards, and avoids removal of a large number of trees, and no new fencing is proposed as part of the project. As such, access to the site and movement through it will remain similar to what is existing today and would provide for continued localized wildlife movement.
- e. Chapter 18.108 of the NCC (Conservation Regulations) in part, encourages the preservation of natural resources through project design that minimizes grading operations (cut, fill, earthmoving) and other such man-made effects in the natural terrain, preserves natural habitat, minimizes impacts on existing landforms, avoids steep slopes, and preserves existing vegetation.

Oak woodland is the most common land cover in the County occurring on approximately 167,000 acres (33% of the County's area). Approximately 733 acres of oak woodland or 0.5% of the total area of oak woodland in the County was cleared for residential and agricultural purposes between 1993 and 2002 (Napa County Baseline Date Report, Biological Resources Section, pages 4-22 and 4-25, Version 1, November 2005). While oak woodlands may be one of the most common land covers within the County, their past conversion to residential and agricultural uses in conjunction with foreseeable oak woodland conversion to agricultural use is considered a potentially significant impact on both a project-specific level and a cumulative level (Napa County General Plan, Draft Environmental Impact Report, Volume 1, Section 5.4 Biological Resources, Pacific Municipal Corporation, February 2007). Napa County General Plan Conservation Element Policy CON-24 requires that oak woodland be maintained and/or improved to the extent feasible to provide for oak woodland and wildlife habitat, slope stabilization and soil protection, and species diversity. General Plan Conservation Element Policy CON-24c specifically provides for the preservation of oak woodland (on an acreage basis) at a 2:1 ratio where feasible, where preservation/avoidance of oak woodland is not feasible, replacement of oak woodland at a 2:1 ratio is required. The removal of approximately .007 acres of oak woodland to accommodate the proposed project would be mitigated by **Mitigation Measure BIO-1** which requires the applicant to permanently preserve 0.30-acres of oak woodland in the project site to comply with Policy CON-24.

NCC Section 18.108.020(C) (General Provisions: Vegetation Retention Requirements) requires that parcels within the Agricultural Watershed zoning district retain 70% of the vegetation canopy cover based on the on-site canopy present on June 16, 2016. The project proposes to mitigate for the loss of .007 acres of oakwood (or 11 trees) by permanently protecting 0.3 acres of oak woodland on slopes less than 30 percent and outside of stream setbacks. The implementation of Mitigation Measure BIO-1, requiring a vegetation canopy cover preservation in the form of a perpetual protective easement or other similar mechanism, requiring the long-term preservation of existing oak vegetation at a ratio of 3:1 would result in a less than significant impact to oak resources.

- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plans because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures:

**Mitigation Measure BIO-1:** The owner/permittee shall implement the following measures to minimize potential impacts to oak woodlands and associated cover canopy:

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- a. Oak Woodland/Vegetation Canopy Cover Preservation: Prior to issuance of a building permit, the applicant shall identify and permanently preserve a minimum of 0.3-acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026) and associated developable Vegetation Cover Canopy generally as shown in (**Exhibit A**). These areas shall be identified as Oak Woodland/Vegetation Canopy Cover Preservation Areas and be permanently preserved.
- b. The Preservation Area shall be identified and designated for preservation in a perpetual protective easement or perpetual deed restriction acceptable to Napa County, as approved by the Director of PBES. Areas placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limited to conversion to other land uses such as agriculture or urban development, and excessive off-road vehicle use that increases erosion), and should be otherwise restricted by the existing goals and policies of Napa County. Upon County Counsel's review and approval as to the form of the easement or other means of permanent protection, the owner/permittee shall record the restriction prior to issuance of building permits or prior to the commencement of any ground disturbing activities or vegetation removal, whichever occurs first.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites points & lines, Archaeology surveys, sites, sensitive areas, and flags) no historical, archaeological, or paleontological resources, sites or unique geological features have been identified on the property. Based on the proposed project plans, there would be no impact to cultural resources. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval:

7.2 Archeological Finding.

“In the event that archeological artifacts or human remains are discovered during any subsequent construction in the project area, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Planning, Building, and Environmental Services 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 the development, all work in the vicinity must be, by law, 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 nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.”

c. No human remains have been encountered on the property and no information has been encountered that would indicate that this

project would encounter human remains. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval noted above.

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:

Consistent with Public Resources Code Section 21100(b)(3), this impact analysis evaluates the potential for the proposed project to result in a substantial increase in energy demand and wasteful use of energy during project construction, operation and maintenance. The impact analysis is informed by Appendix G of the CEQA Guidelines. The potential impacts are analyzed based on an evaluation of whether construction and operation energy use estimates for the proposed project would be considered excessive, wasteful, or inefficient.

- a. During construction of the proposed project, the use of construction equipment, truck trips for hauling materials, and construction workers' commutes to and from the project site would consume fuel. Project construction is anticipated to occur over six months. Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual project characteristics that would cause the use of construction equipment or haul vehicles that would be less energy efficient compared with other similar agricultural construction sites within Napa County.

Once construction is complete, equipment and energy use would be slightly higher than existing levels butand the proposed project would not include any unusual maintenance activities that would cause a significant difference in energy efficiency compared to the surrounding developed land uses. Thus, the proposed project would not result in wasteful, inefficient, or unnecessary energy use. This impact would be less than significant.

- b. The transportation sector is a major end-user of energy in California, accounting for approximately 39 percent of total statewide energy consumption in 2014 (U.S. Energy Information Administration 2016). In addition, energy is consumed in connection with construction and maintenance of transportation infrastructure, such as streets, highways, freeways, rail lines, and airport runways. California's 30 million vehicles consume more than 16 billion gallons of gasoline and more than 3 billion gallons of diesel each year, making California the second largest consumer of gasoline in the world (CEC 2016). In Napa County, farm equipment (not including irrigation pumps) accounted for approximately 60% of agricultural emissions in Napa County in 2014, with the percentage anticipated to increase through 2050 (Napa County 2018 - <https://www.countyofnapa.org/DocumentCenter/View/9247/Revised-Draft-Climate-Action-Plan>).

With respect to transportation energy, existing energy standards are promulgated through the regulation of fuel refineries and products such as the Low Carbon Fuel Standard (LCFS), which mandates a 10% reduction in the non-biogenic carbon content of vehicle fuels by 2020. Additionally, there are other regulatory programs with emissions and fuel efficiency standards established by USEPA and the California ARB such as Pavley II/LEV III from California's Advanced Clean Cars Program and the Heavy-Duty (Tractor-Trailer) GHG Regulation. Further, construction sites will need to comply with State requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five minutes in

accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation<sup>13</sup>. The proposed project would comply with these State requirements; see the Air Quality conditions of approval. Napa County has not implemented an energy action plan. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress towards achieving goals and targets, and impacts would be less than significant.

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"/>
	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.

<sup>13</sup> California Code of Regulations (CCR), 2005. Title 13, Chapter 10, 2485, updated through 2014.

- i) There are no known faults on the project site as shown 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 a known fault.
  - ii) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.
  - iii) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Although the project site is identified as having a VL Very Low (br) liquefaction potential according to the Napa County Environmental Resource Maps (liquefaction layers), compliance with the latest edition of the California Building Code for seismic stability would result in less than significant impacts.
  - iv) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there are no landslide deposits in the proposed development area.
- b. The proposed development will consist of constructing three new accessory pod structures totaling 2,692 square feet and associated road improvements on slopes ranging from 0% to 31.1%. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the soils on site are comprised of Aiken loam (30 to 50 - percent slope). The project will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable.
- c/d. According to preliminary geologic mapping of the St. Helena Quadrangle, performed by the California Geologic Survey (CGS-2004), the property is underlain by Early Tertiary Assemblages, Sonoma Volcanics (Pliocene-Miocene), and Late tertiary Assemblages. Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the project site has a very low susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
- e. A Wastewater Feasibility Study, dated June 30, 2023, was prepared by Applied Civil Engineer. The new buildings will be connected to the existing domestic waste septic system. Since the project does not increase the number of guests or employees on the property there will be no change to flow to the septic system and no expansion is required beyond the standard piping required to connect the buildings to the existing septic system. The Division of Environmental Health reviewed this report and concurred with its findings.
- f. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the existing development was constructed or when the vines were planted. The project as proposed would require minimal earth disturbing activities and construction 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?

Discussion:

On April 20, 2022, the BAAD adopted updated thresholds of significance for climate impacts (CEQA Thresholds for Evaluating the Significance of Climate Impacts, BAAD April 2022).<sup>2</sup> The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation projects. Per the BAAD, all other projects should be analyzed against either an adopted local Greenhouse Gas Reduction Strategy (i.e., Climate Action Plan (CAP)) or other threshold determined on a case-by-case basis by the Lead Agency. If a project is consistent with the State's long-term climate goals of being carbon neutral by 2045, then a project would have a less-than-significant impact as endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204). There is no proposed construction-related climate impact threshold at this time. Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan's objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The BOS also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions. In addition, the BOS recommended utilizing the emissions checklist and associated carbon stock and sequestration factors in the Draft CAP to assess and disclose potential GHG emissions associated with project development and operation pursuant to CEQA.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. On July 24, 2018, the County prepared a Notice of Preparation of a Draft Focused EIR for the Climate Action Plan. The review period was from July 24, 2018, through August 22, 2018. The Draft Focused EIR for the CAP was published May 9, 2019. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at <https://www.countyofnapa.org/589/Planning-Building-Environmental-Services>. The County's draft CAP was placed on hold, when the Climate Action Committee (CAC) began meeting on regional GHG reduction strategies in 2019. The County is currently preparing an updated CAP to provide a clear framework to determine what land use actions will be necessary to meet the State's adopted GHG reduction goals, including a quantitative and measurable strategy for achieving net zero emissions by 2045.

For the purposes of this assessment the carbon stock and sequestration factors identified within the 2012 Draft CAP are utilized to calculate and disclose potential GHG emissions associated with agricultural "construction" and development and with "ongoing" agricultural maintenance and operation, as further described below. The 2012 Draft CAP carbon stock and sequestration factors are utilized in this assessment because they provide the most generous estimate of potential emissions. As such, the County considers that the anticipated potential emissions resulting from the proposed project that are disclosed in this Initial Study reasonably reflect proposed conditions and therefore are considered appropriate and adequate for project impact assessment.

Regarding operational emissions, 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 CEQA Guidelines and the OPR Technical Advisory 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.

<sup>2</sup> <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>, April 2022

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.

The TIS Guidelines also 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. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, but it is also presumed to have a less-than-significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT. Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15percent, the conclusion would be that the project would cause a significant environmental impact.

- 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.

Consistent with these 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.

The County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). Pursuant to State CEQA Guidelines Section 15183, this assessment focuses on impacts that are "peculiar to the project," rather than the cumulative impacts previously assessed, because this Initial Study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared. GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide (CO<sub>2</sub>), methane, ozone, and the fluorocarbons, which contribute to climate change. CO<sub>2</sub> is the principal GHG emitted by human activities, and its concentration in the atmosphere is most affected by human activity. It also serves as the reference gas to which to compare other GHGs. For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAD 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 physical improvements associated with this project include constructing three freestanding pod structures (for a total of 2,629 square feet), installing 7,435 sq. ft of new landscaping, installing a new firetruck turnaround, installing six new parking spaces, and removing 0.5 acres of vineyard and removing 11 oak trees. The project proposes to mitigate for the loss of 0.007 acres of oakwood (or 11 trees) by permanently protecting 0.3 acres of oak woodland on slopes less than 30 percent and outside of stream setbacks.. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAD 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 BAAD 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 BAAD 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 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 BAAD 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 County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers did not require completion of a traffic study and VMT analysis. See section XVII. Transportation for additional detail.

The applicant proposes implementing a GHG reduction strategy through planting of addition trees over ½ acre), implementing a Vehicle Miles Traveled (VMT) reduction plan for employees, installing solar hot water heating systems, installing energy conserving lighting, installing energy Star Roof, Living Roof/Cool Roof, installing water efficient fixtures, implementing low-impact development, installing a water efficient landscape, recycling 75% of all waste, implementing a sustainable purchasing and shipping program, planting of shade trees within 40 feet of the south side of the building elevation, installation of electrical vehicle charging stations, providing a site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and the maximize winter sun exposure, such as a cave. The project will also educate staff and visitors on sustainable practices, using 70-80 percent cover crops, and retaining biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures submitted with the project application. If the proposed project adheres to these relevant design standards identified by BAAD, the requirements of the California Building Code, and the County's conditions of project 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
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- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 will not involve the transport of hazardous materials other than those small amounts normally used in winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less-than- significant impact.
- b. Hazardous materials such as diesel, maintenance fluids, and paints would 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 the operations of a new winery that would not be expected to use any substantial quantities of hazardous materials. 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 environment. Impacts would be less than significant.
- c. There are no schools located within one-quarter mile from the proposed winery. According to Google Earth, the nearest school to the project site is Robert Louis Stevenson Middle School, located approximately 0.78 miles to the east. 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 proposed access road improvements and on-site circulation configuration meet RSS. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. Therefore, the proposed project would not obstruct emergency vehicle access and impacts would be less than significant.
- g. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The proposed road improvements would provide adequate access to Spring Mountain Road. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts 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.

On June 7, 2022, the Napa County Board of Supervisors provided interim procedures to implement provisions of the Napa County Groundwater Sustainability Plan (GSP) for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use. 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. The project well is located outside the GSA Subbasin.

Tier 2: To assess potential impacts resulting from project well(s) interference with neighboring wells within 500 feet and/or springs within 1,500 feet, the County's WAA guidance<sup>3</sup> requires applicants to perform a Tier 2 analysis where the proposed project would result in an

<sup>3</sup> The County's Water Availability Guidelines (adopted May 2015)

increase in groundwater extraction from project well(s) compared to existing levels. Because the project proposes a reduction in groundwater use over existing conditions, a Tier 2 is not required.

Tier 3:To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways and those non-navigable tributaries connected to navigable waters, the County's WAA guidance requires applicants to perform a Tier 3 or equivalent analysis for new or replacement wells, or discretionary projects that would rely on groundwater from existing or proposed wells that are located within 1,500 feet of designated "Significant Streams."<sup>4</sup>

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

On January 10, 2024, Napa County released the Interim Napa County Well Permit Standards and WAA Requirements - January 2024, providing guidance to complying with the Public Trust.

- a. As discussed in Section VII. Geology and Soils, a Wastewater Feasibility Study, dated June 30, 2023, was prepared by Applied Civil Engineering. The new buildings will be connected to the existing domestic waste septic system. Since the project does not increase the number of guests or employees on the property there will be no change to flow to the septic system and no expansion is required beyond the standard piping required to connect the buildings to the existing septic system. The Division of Environmental Health reviewed this report and concurred with its findings.

While a Tier 3 review is the County's adopted method for complying with its duties under the Public Trust Doctrine, as discussed herein, the project will comply with the WAA Guidance document because the project well is located 1,571 feet from a County identified significant stream (York Creek) and the overall water use for the parcel will be reduced by 0.02 af/yr. This will be accomplished through the removal of 0.50 acres of existing vineyard. Since the project well is outside of the 1,500 Significant Stream buffer and results in a slight overall reduction in groundwater use, no further analysis is required according to the Water Availability Analysis

Project specific Conditions of Approval (COAs Nos. 4.9 (a), 4.9(b), 4.20(a), 4.20(b), and 6.15(a) have been implemented to require the following: that the parcel's groundwater use be limited to 9.43 af/yr, preparation of a Ground Water Management Plan, and inclusion of the project in the County's well monitoring program.

#### 4.9 GROUND WATER MANAGEMENT – WELLS

- a. Groundwater Management - The parcel shall be limited to 9.43 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 evidence<sup>5</sup> 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.
- a. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15 (A).

<sup>4</sup> Refer to Figure 1: Significant Streams for Tier 3, located at [www.countyofnapa.org/3074/Groundwater-Sustainability](http://www.countyofnapa.org/3074/Groundwater-Sustainability). The "Significant Streams" and "Significant Streams\_1500ft\_buffer" GIS layers are published as publicly-available open data through the County's ArcGIS Online Account.

<sup>5</sup> Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

- b. The project proposal will not alter any drainage patterns on site or cause an increase in erosion on or off site. Improvement plans prepared prior to the issuance of a grading or building 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. The project would be required to incorporate an erosion control plan to manage onsite surface drainage and erosion of onsite soils during construction and winter months (October to April). By incorporating a Standard Measures erosion control plan, this project would have a less than significant impact on drainage and siltation. There are no existing or planned stormwater systems that would be affected by this project.
- c. The project location is not in a flood hazard, tsunami, or seiche zones, and does not risk the release of pollutants due to project inundation. No impacts would occur.
- d. As discussed above the net impact of this project slightly reduces the overall groundwater use on the property (0.25 – 0.23 = 0.02-acre feet per year savings). Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. 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 proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. 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 AWOS (Agriculture, Watershed, and Open Space), 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 General Plan includes two complimentary policies requiring wineries to be designed generally of a high architectural quality for the site and its

surroundings. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None are required.

XII.	<b>MINERAL RESOURCES.</b> 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.	<b>NOISE.</b> 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 type="checkbox"/>	<input checked="" 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 will result in a temporary increase in noise levels during the brief construction of the project. Construction activities will



be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. The project would not result in potentially significant temporary construction noise impacts or operational impacts. Given the proximity to the neighbors, the closest of whom is located over 1,500 feet away from the three new pod areas, there is a relatively low potential for impacts related to construction noise to result in a significant impact. Furthermore, construction activities would generally occur during the period of 7:00 a.m. 7:00 p.m. on weekdays, during normal hours of human activity. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project will not result in long-term significant construction noise impacts. The winery, as part of its entitlement would include the County's standard condition of approval, below, requiring construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels.

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.

The proposed project would increase permanent ambient noise levels due to the three new pod areas and vehicles utilizing the new driveways. As previously mentioned, the nearest off-site residence to the proposed three new pod areas and new roads is approximately 1,500 feet away from the pod structures so impacts to sensitive receptors due to permanent increase in ambient noise levels would be less than significant

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 that surround the proposed parcel are predominantly large lot residential properties and vineyards; of these 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.). 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).

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. Events and non-amplified music, including clean-up are required to finish by 10:00 p.m. Amplified music or sound systems would not be permitted for outdoor events as identified in Standard Condition of Approval 4.10 below. 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.

4.10 AMPLIFIED MUSIC There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

- c. The project site is not located within the boundaries of an airport land use plan or within two miles of a public airport or within the vicinity of a private airstrip.

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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

infrastructure)?

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

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 policies and programs identified in the General Plan Housing Element function, in combination with the County’s housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance will be less than significant.

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. Complaint Housing Elements indicates that the jurisdictions have enough dwelling units programed over the cycle to meet or exceed state growth projections.

No new employees are proposed with the project. Relative to the County’s projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County’s housing impact mitigation fee, which provides funding to meet local housing needs. Cumulative impacts on the local and regional population and housing balance would be less than significant. 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.

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 proposed and no off-site expansion of utilities or facilities to serve other developments, the project would have less than significant impact on population growth.

- b. This application will not displace any existing housing or a substantial number of people and will not necessitate the construction of replacement housing elsewhere.

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
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- 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?
- ii) Police protection?
- iii) Schools?
- iv) Parks?
- v) Other public facilities?

Discussion:

- a. Public services are currently provided to the project site and the additional demand placed on existing services would be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshal’s Office conditions of approval, and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire Department and Engineering Services Division have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

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 type="checkbox"/>	<input checked="" 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 project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.
- b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit application. 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. As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. Existing pedestrian and transit facilities serving the site are limited, though given the rural location of the project site and anticipated demand for these modes, this is considered an acceptable condition. The existing driveway entrance is not proposed to be disturbed. Therefore, would not increase hazards due to a geometric design feature. The parcel is accessed by a shared road off of Spring Mountain approximately 0.6 miles west of St. Helena. Relative to the western approach on Spring Mountain Road, the driveway is oriented at an obtuse angle. From Spring Mountain Road, the road traverses steeply sloping hillsides for approximately 0.2 miles to its terminus at the winery. The Napa County Road and Street Standards (NCRSS) requires a 22-foot minimum width for roads serving commercial uses such as this proposed winery. The majority of the existing road does not meet the minimum width requirement. The Fantesca Winery project is seeking an Exception to the RSS to accommodate steep slopes and environmental constraints. Engineering Division staff has reviewed the Request noted above with the applicant' authorized agents, Engineering staff, and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2023-59 by the Board of Supervisors on April 18, 2023, the Engineering Division has determined that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing a parabolic mirror to enhance visibility at the intersection and implementing vegetation management measures to maintain line of sight. 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 proposed project. The Napa County Fire Department and Engineering Division have reviewed the proposed plans for access and circulation and found them to be in compliance with the Napa County Road and Street Standards.
- 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 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. The proposed project would be expected to generate no new daily trips; therefore, the project is not required to prepare a traffic impact study (TIS).

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 project is proposing an additional six parking stalls, one of which will be ADA compatible, which should accommodate employees and visitors, for a total of 19 parking stalls. The proposed project would not be in conflict with General Plan Policy CIR-14.

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 October 24, 2024, 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. A response from the Middletown Rancheria of Pomo Indians was received on October 24, 2024, which concluded that the project is within Middletown Rancheria's Area of Concern, but that a review of the proposed project information has indicated that no ground disturbance is proposed as part of the project. A response from the Yocha Dehe Wintun Nation was received on November 21, 2024, which concluded that the project is not within the aboriginal territories of the Yocha Dehe Wintun Nation, and declined any comment on the project. The Mishewal Wappo Tribe of Alexander Valley did not request consultation within the 30-day notification period, and because no response to the consultation invitation was received, the consultation time period elapsed.

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 Section VII. Geology and Soils, a Wastewater Feasibility Study, dated June 30, 2023, was prepared by Applied Civil Engineer. The new buildings will be connected to the existing domestic waste septic system. Since the project does not increase the number of guests or employees on the property there will be no change to flow to the septic system and no expansion is required beyond the standard piping required to connect the buildings to the existing septic system. The Division of Environmental Health reviewed this report and concurred with its findings. Impacts will be less than significant.
- b. As discussed in Section X. Hydrology, a Water Availability Analysis, dated February 18, 2025, was prepared by Applied Civil Engineering. The project does not propose any change to the currently approved wine production level, employee numbers, or visitation and marketing numbers. The project purposes to add new landscaping which totals approximately 7,435 square feet and consists of low and moderate water use plants. Estimated water use for this new landscaping is approximately 0.23-acre feet of water per year. Therefore, the only change in water use associated with this project is related to irrigation. Furthermore, construction of the newly proposed improvements will slightly reduce the vineyard acreage by approximately 0.5 acres. This correlates to

reduction in vineyard irrigation demand of 0.25-acre feet per year (0.5 acres x 0.5 ac-ft/acre/year). Therefore, the net impact of this project slightly reduces the overall groundwater use on the property (0.25 – 0.23 = 0.02-acre feet per year savings). No impacts would occur.

- c. The new buildings will be connected to the existing domestic waste septic system. Since the project does not increase the number of guests or employees on the property there will be no change to flow to the septic system and no expansion is required beyond the standard piping required to connect the buildings to the existing septic system. The Division of Environmental Health reviewed this report and concurred with its findings. 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 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 type="checkbox"/>	<input checked="" 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 road and proposed project will be designed and improved to meet commercial standards as defined in the Napa County Road and Street Standards (NCRSS). The parcel is served by an existing asphalt paved shared private road which intersects the northeast approach of Spring Mountain Road at an angle. Leaving Spring Mountain Road, the private driveway traverses the steeply sloping hillsides for approximately 0.2 miles where it terminates its 2,049-foot length at the winery building. The NCRSS requires a 22 ft. minimum width for roads serving commercial uses such as this proposed winery. The majority of the existing road does not meet the minimum width requirement. The Fantasca Winery project is seeking an exception to the NCRSS to accommodate environmental and physical constraints that forbid compliance to the standards. Engineering Division staff has reviewed the Request noted above with the applicant’ authorized agents, Engineering staff and the Fire Marshal’s office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2023-59 by the Board of Supervisors on April 18, 2024, the Engineering Division has determined that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing a parabolic mirror to enhance visibility at the intersection and

implementing vegetation management measures to maintain line of sight. 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 proposed project. No impacts would occur.

- b. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones), the proposed project is located within a high fire hazard severity zone and in the State Responsibility (SRA) zone. The private road terminates at Spring Mountain Road and provides access to State Highway 29 and the City of St. Helena. The project's access road provides access to the winery and is adjacent to an existing vineyard, which is situated on slopes ranging from 0 to over 50 percent. The Fire Marshal's office and Engineering Division have reviewed the plans and determined that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing a parabolic mirror to enhance visibility at the intersection and implementing vegetation management measures to maintain line of sight. Impacts of the project would be less than significant.
- c. The Fire Marshal's office and Engineering Division have reviewed the plans and determined that the proposed improvements 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. The existing driveway will be improved to meet NCRSS. The proposed project would not physically alter the site in a way, which would expose people or structure to risks such as downstream or downslope flooding. This development is not considered a type of improvement that exacerbates wildfire risk or significant environmental risk. Impacts will be less than significant.
- d. The physical improvements are limited to adding three freestanding pod structures (for a total of 2,629 square feet.), which would be used for winery tasting, marketing events, offices, and storage. The proposed project would not physically alter the site in a way, which would expose people or structure 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, a Northern Spotted Owl Habitat Assessment for Fantesca Winery Project was prepared on August 8, 2024, by Pamela Town, consulting wildlife Biologist. The assessment found that the Project Area does not contain suitable northern spotted owl habitat, nor is there suitable habitat within ¼ mile of the Property Boundary, primarily due to the 2020 Glass Wildfire and location close to the Napa Valley bottom. There are no known northern spotted owl territories within 1.3 miles of the Property Boundary. According to County of Napa Environmental Mapping (CNDDDB layer) there is a potential for Napa False-Indigo to occur on the site. As part of the application, Napa False-Indigo Plans for the Fantesca Winery Project site was prepared on August 8, 2024, by Scott Butler, Consulting Registered Professional Forester. The assessment found that no Napa False-Indigo plants were located on the Project Site or within 100' of the site. The parcel is not within a mapped Natural Landscape Block or Essential Connectivity Area per the BIOS (Biogeographic Information and Observation System) Habitat Connectivity Viewer: BIOSViewer@CDFW ). However, according to the Napa County GIS databased Biological layer the property is located within a portion of the California Bay Area Linkage Network, specifically the Blue Ridge-Marine Coast corridor running roughly north-south that is approximately 1.3 to 6.5 miles wide on the threshold between eastern Sonoma and northwestern Napa Counties, as well as southern Lake and northern Napa Counties. At the scale of landscape linkages, this relatively broad linkage/corridor provides connectivity between the bay lands of San Pablo Bay and areas from northwestern Napa County northward. While the parcel is located within this larger linkage network, the property is not within a designated wildlife corridor and is located within a much larger tract of forest and lightly-developed land within a rural portion of Napa County. While common wildlife species presumably utilize the site to some degree for movement at a local scale, the project area does not provide corridor functions beyond connecting similar forested and heavily wood land parcels in surrounding areas. At the local scale, the avoidance of the ephemeral drainages and of substantial portions of the property's existing woodland, only 11 trees are proposed for removal (and permanent preservation area of 0.3 acres is proposed as part of the project to offset the removal of these tree) would provide for continued localized wildlife movement and shelter habitat for wildlife species. The proposed pods are located in close proximity to the existing winery building and existing vineyards, and avoids removal of a large number of trees, and no new fencing is proposed as part of the project. As such, access to the site and movement through it will remain similar to what is existing today and would provide for continued localized wildlife movement. The project shall comply with 18.108.020; therefore, tree removal would need to be mitigated pursuant to NCC Section 18.108.020.D and, therefore **Mitigation Measure BIO-1** is required to be followed. Removal of the 11 scattered trees is required to install freestanding pod structures #1 and to widen the existing road along pod #2 as required by the Napa County Road and Street Standards.
- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to aesthetics, agriculture, air quality, biology, energy, geology and soils, greenhouse gas emissions, hazard and hazardous materials, hydrology and water quality, noise, population, public services, transportation, utilities and service systems, and wildfire 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 BAAD recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, as included on the form dated July 27, 2023. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would decrease water use from the existing conditions by approximately 0.02-acre feet per year. The project purposes to add new landscaping which totals approximately 7,435 square feet and consists of low and moderate water use plants. Estimated water use for this new landscaping is approximately 0.23-acre feet of water per year. Therefore, the only change in water use associated with this project is related to irrigation. Furthermore, construction of the newly proposed improvements will slightly reduce the vineyard acreage by approximately 0.5 acres. This correlates to reduction in vineyard irrigation demand of 0.25-acre feet per year (0.5 acres x 0.5 ac-ft/acre/year). Therefore, the net impact of this project slightly reduces the overall groundwater use on the property (0.25 – 0.23 = 0.02-acre feet per year savings). Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. The project did not reach the County thresholds for preparation of a VMT analysis, assuming a less than significant impact. 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. Overall, potential cumulative impacts would be less than significant.
- c. All impacts identified in this MND are either less than significant after mitigation or 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.

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Fantesca Winery Use Permit Minor Modification (P23-00245) and Exception to the Napa County Road Street Standards  
Mitigation Monitoring and Reporting Program

Potential Environmental Impacts	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/Completion
<p><b>Mitigation Measure AG-1 – Vegetation Canopy Cover Preservation Ratio.</b> Minimize impacts to existing vegetation cover.</p>	<p>The owner/permittee shall implement the following measure to comply with NCC Section 18.108.020 (D) 3:1 vegetation canopy cover preservation ratio. Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.3 acres of developable oak woodland (i.e., on land with slopes less than 30 percent and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.</p>	<p>Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.3 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.</p>	P	PD	PC _/_/_

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, DFW = Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept,

PE/G =Project Engineer/Geologist

PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing

**PROJECT REVISION STATEMENT**

**Fantesca Winery Use Permit Minor Modification P23-00245 (Winery Use Permit Minor Modification), P24-00158 (Winery Administrative Permit), and Exception to the Napa County Road & Street Standards**

I hereby revise the Use Permit Minor Modification (P23-00245), Winery Administrative Permit (P24-00158), and Exception to the Napa County Road & Street Standards to a Winery Use Permit Minor Modification which includes a Winery Administrative Permit to allow the replacement of seven (7) fermentation tanks with nine (9) fermentation tanks in the winery building and add three freestanding pod structures (for a total of 2,629 sq. ft.), which would be used for winery tasting, marketing events, offices, and storage. In addition, the application seeks to recognize the existing winery coverage area of 60,521, which was inaccurately calculated in previous applications.

No changes to production, visitation, marketing, or number of employees are proposed. Additionally, the request includes an exception to the Road & Street Standards.

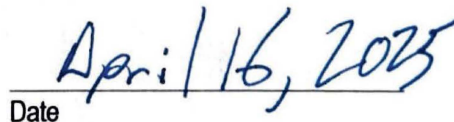
There are no changes to the winery's production, visitation, marketing activities, or number of employees as previously approved under 00236-UP, P06-0078-MOD, P09-00422-MM, and P13-00080-MOD.

The project is located on one parcel totaling approximately 52.56 acres (Assessor's Parcel Nos. 022-250-008) 2920 Spring Mountain Road, St. Helena, CA 94574, California), to include the following measure specified below:

**Mitigation Measure BIO-1 – Vegetation Canopy Cover Preservation Ratio:** The owner/permittee shall implement the following measure to comply with NCC Section 18.108.020 (D) 3:1 vegetation canopy cover preservation ratio. Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.3 acres of developable oak woodland (i.e., on land with slopes less than 30 percent and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.

**Method of Monitoring:** Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.3 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.

  
Duane Hoff

  
Date

Project Revision Statement

Fantesca Winery Use Permit Minor Modification P23-00245 (Winery Use Permit Minor Modification), P24-00158 (Winery Administrative Permit), and Exception to the Napa County Road & Street Standards