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Revised Project Review Statement

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

REVISED PROJECT REVISION STATEMENT

Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the Napa County Road & Street Standards, and Use Permit Exception to the Conservation Regulations #P23-00239-UP

I hereby revise the Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the Napa County Road & Street Standards, and Use Permit Exception to the Conservation Regulations #P23-00239-UP to allow a new 7,000-gallon winery with the following characteristics:

- a. Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage only.
- b. Conduct visitation activities within a 298 sq. ft. patio area and allow on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill).
- c. Tours and tastings by appointment only as follows, with a weekly maximum of 113 visitors:
 - 47 days of tours and tastings with up to 35 visitors.
 - 306 days of tours and tastings with up to 19 visitors.
 - 25 or more people will be allowed at the winery for a maximum of 59 days per year.
- d. A marketing program of 12 marketing events per year with up to 45 guests at each event.
- e. Two (2) fulltime and three (3) part-time employees during harvest and non-harvest seasons.
- f. Production and visitation hours between 10 a.m. and 6 p.m. Monday through Sunday.
- g. Convert the existing pool house restroom (80 sq. ft.) to an accessible restroom.
- h. Construction of a parking area with seven (7) parking stalls, including an accessible parking stall and an electric vehicle charging station.
- i. Installation of a 2,500-gallon hold and haul tank for winery process wastewater.

located on one parcel totaling approximately 20.45 acres (Assessor's Parcel Nos. 034-110-047) 1871 Mt. Veeder Road, Napa, California), to include the following three (3) measures specified below:

Mitigation Measure AG-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 0.07 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

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 0.7 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.

Mitigation Measure BIO-1 – Northern Spotted Owl: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including northern spotted owl, that may be in the area, their basic habits, how they may be encountered in their work area, and

procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

Even though the presence of NSO within 330 feet of the project site is unlikely, the presence of this species in this area cannot be completely discounted. Therefore, to ensure that potential adverse noise or visual impacts on NSO are avoided and/or minimized, a preconstruction survey will be conducted in areas of potential NSO habitat within the 330-foot visual line of disturbance contour of the project site. The focus of the survey should be on the detection of the species and potential active nest sites that could be affected by proposed project work. If an active nest is found within the 330-foot contour visual line of disturbance, the start of construction will be delayed until the young have fledged. Young NSO generally leave the nest (that is, fledge) in late May or June. If an active nest is found within the 330-foot visual line of disturbance contour, it will be monitored by a qualified biologist to document when the young have left the nest and construction can start.

If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

No project work shall be conducted at night.

To minimize noise generated from the proposed action to the degree possible, all construction equipment, fixed or mobile, will be fitted with properly operating and maintained mufflers consistent with manufacturer's standards.

Method of Monitoring: Prior to start of construction, a biologist shall provide a training session for all work personnel to identify any sensitive species, including northern spotted owl, that may be in the area, and procedures to follow when they are encountered. If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

Mitigation Measure BIO-2 – California Giant Salamander, Foothill Yellow-Legged Frog and Western Pond Turtle: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

- No project work shall be conducted at night.
- If logs, bark, or rocks are in the driveway improvement areas, a biological monitor shall be present during clearing and grubbing activities.
- Install a temporary wildlife exclusion fence between the edge of the pond and driveway improvement locations to prevent animals from entering the work area.

Method of Monitoring: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered.

MM BIO-3 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25- mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

Timing: Prior to Ground Disturbance.

MM BIO-4 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.

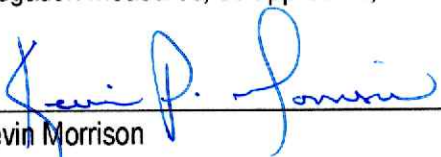
Timing: Prior to Ground Disturbance and continuing over the course of the Project.

Mitigation Measure BIO-5: Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated

reporting shall be conducted according to CDFW's 2018 *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (See <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

Timing: Prior to Ground Disturbance and continuing over the course of the Project.

Mitigation Measure BIO-6: Impacts to the Stream and placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.


Kevin Morrison

Date 8/01/24