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Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Nights in White Satin Winery Use Permit P22-00236-UP
Planning Commission Hearing - August 20, 2025

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

Initial Study Checklist

State Clearinghouse Number: 2025070651

Revised Initial Study/Mitigated Negative Declaration: per CEQA Code Section 15073.5 the revised document has not been substantially revised; therefore, the document did not require recirculation. Changes are shown in strikethrough and underline.

1. **Project Title**: Nights in White Satin Winery, Use Permit P22-00236

2. **Property Owner:** Nights in White Satin, LLC

3. **County Contact Person, Phone Number and email:** Kelli Cahill, Planner III, **phone** (707) 265-2325, **email** kelli.cahill@countyofnapa.org

4. **Project Location and Assessor's Parcel Number (APN):** South of Sonoma Highway (SR 12/121) approximately 0.45 miles east of the Sonoma/Napa County Line and 1 +/- mile from Duhig Road. APNs 047-380-009 (Winery Parcel) and 047-380-010 (existing Well #1 Parcel)

5. **Project sponsor's name and address:** Tony Baldini, 1473 Yountville Cross Rd, Yountville, CA 94599

6. **General Plan description:** Agricultural Watershed and Open Space (AWOS) with approximately 0.29 acres in the northeast corner designated Agricultural Resource (AR)

7. **Zoning:** Agricultural Watershed (AW)

8. **Background/Project History:**
The property was previously grassland based on historic aerial photographs dating back to 1948 with tree canopy following the streams as it appears today. The grassland was converted to approximately 35.4 acres of vineyard (based on Civil Plan, **Attachment D**) between 1973 and 1982 on the Winery Parcel, with approximately 46 acres of vineyard planted on the existing Well #1 Parcel, along with construction of the Heller Reservoir between 1982 and 1993. The vineyard was planted prior to permitting requirements; however, as the parcel is entirely located on lands with slopes that are 5 percent or less, an erosion control plan would not have been required based on slopes.

   The vineyards are flanked by three blue lined streams, including Huichica Creek and two unnamed tributaries, one at the western property boundary and one along the eastern property boundary. Huichica Creek enters the property from the north, with a stream crossing accessing the vineyard blocks at the northeast corner totaling approximately 5.6 acres. The unnamed streams eventually drain into Huichica Creek before flowing to the Napa River.

   The property is also developed with irrigation for the vineyard, including ~~a~~ groundwater Well #1 installed in 2019, ~~along with~~ a pump house and agricultural equipment storage. A second groundwater well is proposed on the winery parcel with a permit pending with Napa County Environmental Health Division.

9. **Description of Project:** The request is for a new 120,000 gallon per year production winery on the existing 120.72 acre holding (Winery Parcel is 59.16 acres – APN 047-380-009 is 59.16 acres, the neighboring parcel under common ownership is 61.56 acres - APN 047-380-010). The proposed winery will consist of the following:

   a. Construct a new 51,720 square foot winery building including 42,290 sf of production, barrel storage, administrative offices, a commercial kitchen, and 9,430 sf of hospitality, including a 1,509-sf covered crush pad area,
   b. 25 full-time employees and ten (10) part-time employees,
   c. Tours and Tastings by appointment only for a maximum of 150 visitors per day; 600 visitors per week,
   d. Marketing events will include food prepared onsite in the commercial kitchen for events with 30 people and where all events with more than 30 people will be prepared offsite by a catering company, consisting of;
      1. Five (5) monthly events with a maximum of 30 guests,
      2. Ten (10) annual events with a maximum of 50 guests; and,
      3. Four (4) annual events with a maximum of 150 guests.
   e. On-premises consumption of wines produced on-site within the 1,540-sf outdoor covered terrace in accordance with Business and Professions Code Section 23358, 23390 and 23396.5,
   f. Non-harvest production days and hours: 8:00 a.m. to 6:00 p.m., seven (7) days per week,
   g. Visitation seven (7) days per week, hours: 10:00 a.m. to 6:00 p.m.
   h. 50 parking spaces, consisting of:
      1. Visitor Parking – 36 spaces, including three (3) ADA accessible spaces
      2. Employee Parking – 16 spaces, including one (1) ADA accessible space
      3. Four (4) Electric Vehicle Charging stations, three (3) visitor spaces, one (1) employee space
   i. Construct a Non-Transient Non-Community Water System (a water system to serve the winery, visitors and employees),
   j. Construct a wastewater treatment system for winery process wastewater and domestic wastewater and possible 30,000-gallon storage tank,
   k. Construct a twenty (20) foot wide access driveway to the proposed winery building,
   l. Grading work for new driveway, access, including visitor and employee parking; and
   m. New groundwater well to be located on the Winery Parcel.

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

The Winery Parcel site is 59.16 acre, located on the south side of Sonoma Highway (State Route 12/121), approximately 0.60 miles from the Sonoma/Napa Countyline and approximately 1.3 miles from the intersection of Sonoma Highway and Duhig Road. An existing groundwater well located offsite, within APN 047-380-010 would supply water to the winery if a new well as proposed is not constructed. This Well #1 Parcel is under common ownership, entirely developed to vineyard with an existing 40-acre-foot water storage reservoir with Water Rights for irrigation, recreational use, and fire protection. The two parcels combined are 120.72 acres with approximately 88.1 acres of vineyard. There is a discrepancy in total vineyard acreage on the Winery Parcel, for review purposes within this Initial Study/Mitigated Negative Declaration, the total vineyard acreage on the Winery Parcel shall be 35.4 acres as shown on the Project Plan Set as calculated by the project engineer (**Attachment D**).

The project site is an area that is relatively flat (0% to 5% slopes), with 35.4 acres of existing vineyards served by an agricultural road. Project access is from Sonoma Highway which serves the proposed winery with realignment of the winery driveway to a proposed left turn lane where there is an existing left turn lane into the property to the north, thereby creating a center lane pull out. There are three (3) streams, two (2) of the streams are unnamed and located within the parcel that follow the property boundaries on the western and eastern sides, and Huichica Creek that bisects the northeastern area of the parcel with an existing bridge crossing to access two (2) vineyard blocks on the eastern side of the creek. The proposed project is located outside the required stream setbacks and will protect the riparian areas during the proposed earthwork and construction as detailed in Section IV of this document.

The general topography of the area consists of Milliken Peak to the north, Carneros valley to the east and south and Arrowhead Mountain to the west in Sonoma County. The project site is located at elevations between 92 to 236 feet above mean sea level (msl) in the Huichica Creek Drainage of the Napa River watershed. The general topography of the project site consists of gently sloping land (ranging from 0% to 5%) with an average of approximately 3%. There are three (3) blue-lined streams within the parcel boundaries. An unnamed stream is located along the western boundary of the parcel and drains to Huichica Creek to the south offsite. A second unnamed stream enters the property along the eastern boundary and drains to Huichica Creek approximately 780 feet from where the stream flows into the parcel. Huichica Creek enters the property, bisecting Blocks B-1 and B-2 from the remaining vineyard blocks, with an existing bridge crossing. All three (3) streams from north to south to the Napa River. The general vegetation types present on the parcel include 35.4 acres of existing vineyard and along the stream drainages the vegetation is mapped as Valley Oak - Fremont Cottonwood - (Coast Live Oak) Riparian Forest.

North of the project site there are six (6) properties ranging in size from 7.14 to 213.19 acres with residences two parcels, one winery, one undeveloped parcel, and vineyards on all five (5) properties. South of the project are seven (6) properties ranging in size from 0.85 to 308.25 acres with six (6) homes, two (2) wineries, and vineyards on all but three (3) parcels. West there are five (5) properties, ranging in

size from 5.04 to 61.56 with vineyards on the adjacent parcel owned by the project proponent, four additional parcels have residences, and on parcel has a horse boarding stable. East of the project site are two (2) properties ranging in size from 6.71 to 132.04 acres with two (2) homes and one (1) winery on the larger parcel, and vineyard on both parcels. The proposed winery is over 750 feet from the closest residence.

Producing wineries within a mile of the property includes Robert Mondavi Carneros Winery to the south, Domaine Carneros Winery to the east, and Hudson Vineyards Winery to the north. Moon Ranch Winery located south of the project site and within one mile has been approved but is not yet producing wine.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms, and an encroachment permit as well as any additional requirements for the Highway center lane from the California Department of Transportation (Caltrans).

Responsible (R) and Trustee (T) Agencies

Caltrans
Department of Fish and Wildlife
California Regional Water Quality Control Board
California Division of Water Rights

Other Agencies Contacted
Federal Trade and Taxation Bureau
Department of Alcoholic Beverage Control

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 August 17, 2022, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Staff did not receive a response for consult or to provide comments.

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 this Initial Study include site specific studies conducted by the applicant and filed by the applicant in conjunction with Use Permit P22-00248 as listed below, and the environmental background information contained in the permanent file on this project. These documents and information sources are incorporated here 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:"

- Recommended Findings (Attachment A) – will be released with the Public Hearing Packet
- Recommended Conditions of Approval (Attachment B) – will be released with the Public Hearing Packet
- This Initial Study/Mitigated Negative Declaration (Attachment C) – will be released with the Public Hearing Packet
- Winery Use Permit Application Packet and Project Description (Attachment D)
- Project Plan Set (Attachment E)
- Biological Resource Assessment (Attachment F)
- Cultural Resource Reconnaissance (Confidential)
- Water Availability Analysis and Addendum (Attachment G)
- Non-Transient Non-Community Water System Information (Attachment H)
- Onsite Wastewater Disposal Feasibility Study (Attachment I)
- Transportation Impact Study, dated November 3, 2023, and Caltrans Response Letter, dated May 1, 2024 (Attachment J)
- Stormwater Quality Plan (Attachment K)
- Winery Comparison Chart (Attachment L) – will be released with the Public Hearing Packet
- Napa County Geographic Information System (GIS) sensitivity maps/layers

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kelli Cahill

Signature

July 14, 2025

Date

Name: Kelli Cahill, Planner III

Napa County Planning, Building and Environmental Services Department

I.	**AESTHETICS.** Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

a/b/c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section, above, this area is defined by a mix of vineyard, winery, residential uses, and two streams including one unnamed stream tributary to Huichica Creek which passes through the east side of the parcel flowing north to south towards the Napa River. 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. The project site is currently developed with 35.4 acres of vineyards and related infrastructure, groundwater well and pump house. The proposal includes the construction of a new winery building totaling 51,720 sf, 50 parking spaces, a non-transient non-community water system, landscaping improvements, and new impervious driveway with access from Sonoma Highway. The winery structure as proposed is to be set back over 600 feet from Sonoma Highway. The proposed new structures would not have a substantial adverse effect on a scenic highway or vista. Although Napa County does not have a design review ordinance, the proposed structures would be designed and built tastefully with natural materials and vegetation, limiting impacts of construction upon the land. There are no rock outcroppings visible from the road or other designated scenic resources on the property.

d. The construction of winery uses may result in the installation of additional lighting that may have the potential to impact nighttime views. Although the project is in an area that has a certain amount of existing nighttime lighting, the installation of new sources of nighttime lights may affect nighttime views. Pursuant to standard Napa County conditions of approval for wineries, 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 flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

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

a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.

Lighting utilized during harvest activities is exempt from this requirement.

Mitigation Measures: None are required.

II. AGRICULTURE AND FOREST RESOURCES.[1] Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
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)?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐

a/b/e. The project site is designated Prime Farmland as shown on the Napa County GIS layer FMMP Important Farmland prepared by the California Department of Conservation, Division of Land Resources Protection. The project as designed proposes to permanently remove approximately 5.4 +/- acres of the existing 35.4-acre vineyard to allow the construction of a new winery building, driveway, parking area, and wastewater treatment area. Long term, the site will continue to support approximately 30 acres of vineyard which will be used entirely by the winery to produce estate wines. Wineries and winery accessory uses are consistent with "agricultural uses" under the 2008 Napa County General Plan policy AG/LU-2 and therefore, this project would not result in the conversion of mapped Farmland to a non-agricultural use.

The zoning designation for the project site is Agricultural Watershed (AW) with a land use designation of Agriculture, Watershed and Open Space (AWOS) on the Napa County General Plan Land Use Map. Napa County Agricultural Watershed zoning allows for a winery upon grant of a use permit. The site is currently developed with approximately 35.4 acres of vineyard planted in or about 1983. Since there is neither a conflict with existing zoning for agricultural uses, nor is there a Williamson Act contract on the parcel. A less than significant

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

impact will result.

A minimal conversion of farmland would result from this project but would be considered less than significant. The facility proposed is an agricultural processing facility, which will utilize grapes grown onsite. A winery and accessory uses are considered agricultural uses under Napa County Code section 18.08.640 and act to support and strengthen future agricultural activities. Therefore, this proposal contains no other changes in the existing environment that could result in the conversion of Farmland into non-agricultural use thus resulting in a less than significant impact.

c/d. 'Forest Land' is defined in California Public Resource Code Section 12220(g) as "land that can support 10% 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." Neither the project site nor the project area contains forest land or coniferous forest (Napa County GIS; Vegetation, and Attachment E). The project site and project area are not zoned forest land as defined in Public Resource Code Section 12220(g), timberland as defined in Public Resource Code section 4526, or a Timberland Production Zone (TPZ) as defined in Government Code Section 51104(g). Therefore, no impact would occur.

Mitigation Measures: None are required.

III.	**AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	☐	☐	☒	☐

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (now known as Bay Area Air District) 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 Bay Area Air District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on Bay Area Air District's website and included in Bay Area Air District '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 Bay Area Air District 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 (Bay Area Air District, In Your Community: Napa County, April 2016)

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

Bay Area Air District 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. Bay Area Air District 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 Bay Area Air District provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the Bay Area Air District adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by Bay Area Air District through May 2017. Given the size of the entire project, which includes a new 42,290 sf production facility, 9,430 sf hospitality space for a total of 51,720 sf of enclosed floor area compared to the Bay Area Air District's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls 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 construction activities related to the building construction activities. Construction emissions would have a temporary effect; consisting mainly of dust during construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other coatings. Grading will result in off-haul of soils. 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 and/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 are considered less than significant:

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of Bay Area Air District *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* Bay Area Air District*'s phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
5. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
6. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
7. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.*
8. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a* Bay Area Air District *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/perpfact_04-16-15.pdf or the PERP website http://www.arb.ca.gov/portable/portable.htm.*

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

7.1 SITE IMPROVEMENTS

b. DUST CONTROL

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

While the Air District defines public exposure to offensive odors as a potentially significant impact, the project includes a new winery grading of a driveway and parking area. The physical improvements and operational changes would not significantly increase odors. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None are required.

IV.	**BIOLOGICAL RESOURCES.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or	☐	☒	☐	☐

the U.S. Fish and Wildlife Service?

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?	☐	☒	☐	☐
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion: A Biological Resource Assessment (**Attachment F**) was prepared by Analytical Environmental Services (AES), dated May 2020 that includes a Study Area totaling approximately 31 acres of the 121-acre holding that includes the Winery Parcel totaling 59.16 acres. The site is relatively flat slopes across the entire parcel, ranging from 0 to 5 percent. The winery will be situated at the middle to southern portions of the parcel, within an existing vineyard, between three creeks, Huichica Creek and two tributaries. The proposed physical improvements would take place within the existing developed area of 5.4 acre of vineyard, areas that have already been disturbed from their natural state through the development of vineyard prior to 1983. The project does not necessitate removal of trees or other vegetation.

a/b. According to the Napa County Environmental resource maps (based on the following GIS layer – Vegetation) the property contains sensitive biotic communities including approximately 0.13 acres of Coast Live Oak Alliance and 8.83 acres of Valley Oak – Freemont Cottonwood – (Coast Live Oak) Riparian Forest NFD Association within the Study Area. The Oak Woodland and Riparian habitat are not within the project area. Sensitive biotic communities are located along the riparian zones of Huichica Creek and the two tributaries, while the area of proposed disturbance is entirely within the existing vineyard. Project improvements have been sited outside of the required stream setbacks as required by NCC 18.108.025.

The results of the study included a review of databases and site reconnaissance for flora and fauna. The dominant plant species identified within the study area includes: Valley oak (*Quercus lobate*), Coast live oak (*Quercus agrifolia*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), Bigleaf maple (*Acer macrophyllum*), Red willow (*salix laevigata*), Elm (*Ulmus sp.*), Poison oak (*Toxicodendron diversilobum*), Common storksbill (*Erodium cicutarium*), Burr Clover (*Medicago polymorpha*), Soft brome (*Bromus hordeaceus*), Common wild oat (*Avena fatua*), English plantain (*Plantago lanceolate*), and Wall barley (*Hordeum murinum*). The project only proposed the removal of existing vineyards. The project will not result in the removal of any trees located within the riparian habitat. There will be no impact.

In addition to observed species, there were 45 plants reported in the records search, including the potential for six (6) special status species to be found in the project area. The biologist did not observe any listed species, nor is there suitable habitat within the development area, as it is entirely developed with vineyard.

Animal species observed in the study area included: great blue heron (*Ardea Herodias*), northern mockingbird (*Mimus polyglottos*), European starling (*Sturnus vulgaris*), house wren (*Troglodytes aedon*), western bluebird (*Sialia Mexicana*), American crow (*Corvus brachyrhynchos*), red-winged blackbird (*Agelaius phoeniceus*), cliff swallow (*Petrochelidon pyrrhonota*), great egret (*Ardea alba*), turkey vulture (*Cathartes aura*), violet-green swallow (*Tachycineta thalassina*), California quail (*Callipepla californica*), California scrub jay (*Aphelocoma californica*), red-tailed hawk (*Buteo jamaicensis*), California towhee (*Melozone crissalis*), spotted towhee (*Pipilo maculatus*), American robin (*Turdus migratorius*), nuttall's woodpecker (*Picoides nuttallii*), house finch (*Haemorhous mexicanus*), Pacific-slope fly catcher (*Empidonax difficilis*). Bobcat scat and vole burrows were also observed. Small tadpoles of unidentified frog species were also observed in Huichica Creek. Based on a records search, 36 species were identified, with four (4) having the potential to occur within the project area.

Animal species identified include steelhead, foothill yellow-legged frog, California red legged frog, White tailed kite, and Napa County GIS also identified potential for pallid bat and Swainson's hawk. Species were reported within an area 2 to 10 miles of the project site but were not observed during the site reconnaissance. The most recent occurrence of steelhead in Huichica Creek was recorded in 2003. Although construction is not proposed within the riparian area or within the required stream setbacks of Huichica Creek or the two tributaries, the riparian area will be protected through implementation of **Mitigation Measure BIO-1**. Based on the proximity of the riparian habitat the biologist has proposed fencing protections to be implemented during construction and incorporated as **Mitigation Measure BIO-1** that will reduce the potential for animal species from entering the construction area from Huichica Creek and the two tributaries.

Additionally, given the biologist observed numerous bird species that are potentially utilizing the riparian habitat or nearby forest for foraging and nesting, and mapping identified the potential for Swaison's hawk nesting site within 2 miles according to the CNDDB layer, the biologist has proposed **Mitigation Measure BIO-2** to prevent potential disturbance of nesting birds, Mitigation Measure BIO-3 has been included due to the proximity of a documented Swainson's hawk nest. These measures have been included in the event work occurs during the nesting seasons.

Grading will be conducted upon granting a grading permit that will include standard erosion and other slope stabilizing measures. The project as proposed with incorporation of Mitigation Measures BIO-1 and BIO-2 would result in a less than significant impact to biological resources observed within the study area, as well as those species that have the potential to occur within nearby habitat.

c. According to the Napa County Environmental resource maps (based on the following GIS layer – Wetlands and vernal pools and National Wetlands Inventory) as well as the biological report, there are no wetlands on the site. The project will not 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.

d. All proposed improvements would occur on previously disturbed areas of the property. However, there are three blue-lined streams within the property, including Huichica Creek and two tributaries. The streams have oak woodland and riparian habitat that have the potential to support various species noted above. Additionally, the CNDDB maps have identified Huichica Creek as having California Northern Coast steelhead (*Oncorhynchus mykiss irideus pop. 8)* habitat and a tributary where California freshwater shrimp (Syncaris pacifica) have been documented or observed. The project does not propose development within or adjacent to the streams and will maintain the required setbacks pursuant to NCC 18.108.025 in addition to required best management practices during construction as mandated through the grading and building permits upon issuance. Less than significant impacts would occur.

e/f. This project would not interfere with any ordinances protecting biological resources. The project does not propose the removal of any oak trees pursuant to General Plan policy CON-24. The project will remove approximately 5.4 acres of existing vineyard for the development of the project. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plans.

Mitigation Measures:

Mitigation Measure BIO-1 – Riparian Protection

Prior to earth-disturbing activities, the riparian area shall be protected using temporary fencing. Fencing should be located no less than the required 45 feet setback from Huichica Creek and unnamed tributary as identified on Sheet C1 of the Civil Plans. The fencing shall be installed to prevent small animals from migrating into the proposed construction area. Recommended fencing for exclusion of small animals shall consist of silt fencing with a minimum height of 18 inches, trenched and backfilled to a depth six (6) inches.

Mitigation Measure BIO-2: Nesting Migratory Bird Avoidance

If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall:

- Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found;
- Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall

be specified to protect the bird's normal behavior thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;

- Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and
- Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

Mitigation Measures BIO-3 Nesting Swainson's Hawk Surveys and Avoidance Buffer

If Project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

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?	☐	☐	☒	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Discussion:

a/b. Flaherty Cultural Resource Services prepared a Cultural Resource Reconnaissance report, dated August 6, 2020. The survey included 33 acres within the 59.16 acre Winery Parcel, encompassing the proposed development area. The report included a record search of the Historic Resources Information System Northwest Information Center housed at Sonoma State University, with one previously recorded archeological site (CA-NAP-189/H P-28-000175) identified, which was reported as being relocated within the survey area. The site was recorded as a village site with black mounded midden. The current boundaries of the site are based on work performed by Caltrans within the public right-of-way. According to Flaherty, the boundaries of the site recorded are not accurate as being within the private property adjacent to the Highway right of way, as Caltrans did not have access to the area as part of their cultural reconnaissance. Based on the record search and past surveys in the area, Flaherty determined that the author formed the opinion that the probability of cultural resources being situated within the Study Area was high.

As part of the record search, The Directory of Properties in the Historic Property Data File for Napa County, maintained by the Office of Historic Preservation and historic maps were reviewed to determine if any historic structures were noted within the boundary of the Study Area or within adjacent areas, and found no historic structures or features noted in historic maps.

A request for record search through the Native American Heritage Commission resulted in a response of positive lands and Flaherty reached out the recommended four Native American groups with no response. The County also reached out for consultation to the three local area tribes with no response from Mishewal Wappo, while Yoche Dehe Winton Nation and Middletown Rancheria responded stating the project site is not located within their Aboriginal territories and declined comment on the proposed project.

In addition to the record searches, Flaherty conducted a site reconnaissance, resulting in the observation of 60+/- obsidian flakes within and outside the boundaries of the project development area. The area is presently planted to vineyard from approximately 1983 to present, with vineyard being removed and replanted, the most recent replanting occurring in 2019-2020. The vineyard is located on slopes less than five (5) percent, which under local Napa County land use regulations does not require permitting in form of an Erosion Control Plan. As a result of agricultural farming in the area, Flaherty concluded that the site has been extremely disturbed in the past as a result and due to the disturbance, it is not known if the locations of the obsidian flakes represent accurate site boundaries.

Based on the site reconnaissance, Flaherty recommends that a qualified archaeologist test the project area to determine the boundaries of the archaeological site and if any subsurface components of the archaeological site are located within the area of the proposed winery development, as required through **Mitigation Measure CUL-1**). The project proponent has sought scope of work for a Phase II Archaeological Investigation to be completed if the proposed project is granted approval, and prior to issuance of grading and/or building applications through standard condition of approval COA 7.2. A Phase II Archaeological Investigation includes subsurface testing to identify, if any subsurface archaeological features or evidence. All work is conducted and/or overseen by a qualified archaeologist. Features that are identified shall be GPS in the field, with artifacts shall be sorted, tabulated, and analyzed with some artifacts being collected for additional analysis such as radiocarbon dating. The project proponent obtained a scope of work for the Phase II Archaeological Investigation prepared by Evans & De Shazo, Inc, dated August 11, 2021. Due to sensitive details documented in the scope work, the document has not been attached. Reported findings, if any shall be submitted to the responsible agencies and tribal interests, as well as a copy to the Napa County Planning Division.

There were archeological resources found as part of the record search along with obsidian flakes without unknown origins. The project proposes ground disturbance and construction related to the driveway, parking and winery structures. If resources are found during the preconstruction archaeologic tests, or during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with the following standard condition of approval. Impacts are anticipated to be less than significant.

c. Human remains have been previously encountered during past work conducted by Caltrans within the public right of way. If human remains are encountered during project development, construction of the project is required to cease, and the requirements of standard condition of approval COA 7.2, listed above, would apply. Less than significant impact is anticipated.

7.2 Archaeological Resources

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

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

Mitigation Measures:

Mitigation Measure CUL-1
Prior to earth disturbing activities, a qualified archaeologist shall perform a Phase II Archaeological Investigation that includes subsurface testing, where any features or artifacts are documented, GPS'd. Features, artifacts and/or resources that are identified shall be reported to the responsible agencies and tribal interests.

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?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Discussion:

Consistent with Public Resource 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, operations 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 operations 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 proposed site would consume fuel. Project construction is anticipated to occur over twelve (12) to 24 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 construction sites within Napa County.

Once construction is complete, equipment and energy use would be slightly higher than existing levels and 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. Furthermore, the proposed project would comply with Title 24 energy use requirements and would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.

b. 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 (5) minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation13. 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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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.	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Discussion:

a.

i.) There are no known faults that run beneath the project site on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The site is approximately 2 mile west of the boundary of the West Napa Fault. As such, the proposed project would result in a less than significant impact with regards to rupturing of a known fault. Impacts would be less than significant.

ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Code and standards related to the construction of the new building would reduce the potential impacts to a less than significant level in relation to seismic ground shaking.

iii.) According to Napa County Environmental Resource maps (based on the following GIS layer – Liquefaction) the parcel is designated in an area with a Medium susceptibility for liquefaction. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Impacts would be less than significant.

iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) the is no evidence of landslides on the property. Construction is primarily in already developed areas. There no impact expected.

b. The proposed improvements would occur on slopes of five percent or less. The spoils resulting from grading activities will be retained on-site. The project would require a grading permit, incorporating best management practices and would be subject to the Napa County Stormwater Ordinance, which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.

Building construction associated with the project would primarily take place in the existing developed area in the center of the existing vineyard. Total ground disturbing activities are limited, and impacts would be less than significant. Soil erosion and resulting water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval.

c/d. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the site is composed of Bale Clay Loam 0 to 2% and Haire Clay Loam 2 to 9%. The area consists of the Alluvium (Holocene and Late Pleistocene). Based on the Napa County GIS Sensitivity Maps (liquefaction layer) the property includes areas generally subject to medium tendencies to liquefy within the area of proposed development and very high within the riparian area of Huichica Creek, which not within the development area of the proposed project. All proposed construction will be required to comply with all the latest building standards and codes at the time of construction. Compliance with the latest editions of the California Building Code for seismic stability would reduce any potential impacts to the maximum extent possible, resulting in less than significant impacts.

e. An Onsite Wastewater Disposal Feasibility Study was prepared by Applied Civil Engineering, dated August 22, 2021 (**Attachment H**) to evaluate the feasibility of disposal of the winery process wastewater and domestic sanitary wastewater. The proposed system was designed in accordance with Table 4 of the Napa County "Regulations for Design, Construction, and Installation of Sewage Treatment Systems", designed for a flow rate of 15 gallons per day per employee and three (3) gallons per day per visitor tours and tastings. Marketing events are not included in Table 4, so the following was assumed when designing the system, for catered marketing events, five (5) gallons of wastewater was assumed for guests, and for those events where food is prepared onsite the assumed 15 gallons of wastewater per guest. Meals will only be prepared onsite for marketing events with 30 guests, where all other events with greater than 30 people in attendance will be catered.

Based on the number of employees, daily tours and tastings and marketing events of 30 people where meals will be prepared onsite, it is estimated to have a total peak winery sanitary wastewater flow of 2,100 gallons per day (gpd). The combined peak wastewater flow that includes winery process wastewater is estimated to be 5,100 gpd.

Based on the estimated combined winery and domestic wastewater peak flows, engineering has proposed two (2) options, the first is a combined sanitary and process wastewater subsurface drip disposal field, and the second option is the same as the first, but winery process wastewater would be collected separately, pretreated, stored and dispersed through the surface irrigation system.

Under the first option, the system would require a disposal area of 8,500 square feet and a reserve area 200% the size of the disposal area for a required reserve area of 17,000 sf. The site topography and parcel size would be sufficient to accommodate the disposal area and required reserve. There are several pretreatment system options available, and the final design shall be selected in accordance with the State Water Resources Control Board effluent requirements.

Under the second option, the required disposal area would be 3,500 sf with a 7,000-sf reserve as winery process wastewater would be collected separately from the domestic wastewater, pretreated, stored, and used to irrigate approximately 4 acres of land located to the south of the proposed winery building. The area of dispersal has the potential to be expanded, if desired, as long as the dispersal area is outside of all well, stream and other required setbacks. Under this option, the engineer has taken into consideration application rates, timing and rainy season prohibition in determining the minimum storage capacity necessary to store pretreated winery wastewater. If the second option is preferred, the addition of a storage tank with a minimum capacity of 30,000 gallon is recommended to provide operational flexibility in timing of land application.

The study concludes that the proposed winery wastewater disposal needs can be accommodated onsite in the existing vineyard. The Division of Environmental Health has reviewed the application materials and determined that either of the proposed systems would be adequate to serve the winery. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal. Potential impacts would be less than significant.

f. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the vines were planted. However, if resources are found during any earth disturbing activities associated with the project, the project shall comply with **Mitigation Measure GEO-1** during construction of the project, requiring work to cease within 100 feet of the

find, and a qualified paleontologist shall be retained to investigate the site, resulting in less than significant impacts.

Mitigation Measures:

Mitigation Measure GEO-1 – Paleontological Resources

Discovery of paleontological resources during construction, grading, or other earth moving activities:

- In the event that a discovery of a breas, true, and/or trace fossils are discovered during ground disturbing activities, all work within 100 feet of the find shall be temporarily halted of diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before ground disturbing activities are allowed to resume at the location of the find.
- All persons working onsite shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.

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?	☐	☐	☒	☐
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 Bay Area Air Quality adopted updated thresholds of significance for climate impacts: CEQA Thresholds for Evaluating the Significance of Climate Impacts, Bay Area Air Quality April 2022. The proposed thresholds to evaluate GHG and climate impacts from land use projects are qualitative, therefore there is no bright-line (quantitative) level to mitigate below. Projects that decline to integrate qualitative design elements can alternatively demonstrate consistency with a local Greenhouse Gas (GHG) Reduction Strategy that meets the criteria of the State CEQA Guidelines section 15183.5(b). The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation projects. Per the BAAQMD, 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.

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, 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 15%, 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.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO_2e)]. This threshold of significance is appropriate for evaluating projects in Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.) For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science explain human effects on the atmosphere). Carbon Dioxide (CO2) gas, the principal greenhouse gas (GHG) being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to compare other greenhouse gases. Agricultural sources of carbon emissions include forest clearing, land-use changes, biomass burning, and farm equipment and management activity emissions (http://www.climatechange.ca.gov/glossary/letter_c.html). Equivalent Carbon Dioxide (CO2e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAMD CEQA Air Quality Guidelines, May 2017). In this case, carbon dioxide (CO2) is used as the reference atom/compound to obtain atmospheric carbon CO2 effects of GHG. Carbon stocks are converted to carbon dioxide equivalents (CO2e) by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom (http://www.nciasi2.org/COLE/index.html)

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). These emissions also include underground carbon stocks (or Soil carbon) associated with any existing vegetation that is proposed to be removed. As previously stated, this project includes the construction of a new winery, new driveway entrance and internal access roads, parking, and outdoor tasting area, as well as new wastewater treatment with subsurface drip type septic system.

In addition to the one time Construction Emissions, "Operational Emissions" of the winery are also considered and include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions). See Section XVI, Transportation/Traffic, for anticipated number of operational trips. Operational Emissions from the proposed winery would be the primary source of emissions over the long-term when compared to one time construction emissions.

As discussed in the Air Quality section of this Initial Study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions, which have now been updated by BAAQMD through May 2017. With the proposed winery, including 42,290 sf production facility, 9,430 sf hospitality area, and 1,540 sf of outdoor covered terrace totaling approximately 51,720 sf square feet of floor area, compared to the BAAQMD's GHG screening criteria of 121,000 square feet for general industrial, and compared to the BAAQMD's screening criterion of 9,000 square feet for high quality restaurant, the project was determined not to exceed the 1,100 MT of CO2e/yr GHG threshold of significance.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO2e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions below BAAQMD thresholds. As indicated above, the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County's GHG emissions in 2014 were a result of land use change. The increase in emissions expected as a result of the project would be relatively modest and the project is in compliance with the County's efforts to reduce emissions as described above.

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

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

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

Specifically for buildings, the project must not:

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

The project does propose installation of appliances, and where possible, water fixtures will be WaterSense. Additionally, at the time of any 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. Any 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:
  - o Residential projects: 15 percent below the existing VMT per capita;
  - o Office projects: 15 percent below the existing VMT per employee; or
  - o Retail projects: no net increase in existing VMT.

As discussed above and in section XVII. Transportation, the County maintains a TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers required completion of a traffic study and VMT analysis. The project TIS, prepared by W-Trans, dated November 3, 2023, includes recommendation for a Traffic Demand Management (TDM) Plan for reducing vehicle miles traveled. See section XVII. Transportation for additional detail.

On the GHG Voluntary Best Management Practices (BMP) Checklist submitted with the use permit application, dated December 2, 2021, the applicant identified 17 GHG reduction BMPs that the operators are currently implementing at the winery. These include Generation of on-site renewable energy, VMT Reduction Plan, including employee incentives and employee carpool/vanpool, exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1, energy conserving lighting, connection to recycled water, install Water Efficient fixtures, water efficient landscaping, planting of shade trees within 40 feet of the south side of the building elevation, electric vehicle charging stations, site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure, limit the amount of grading and tree removal, Certified Green Business or Certified Napa Green Winery, Certified Napa Green Land, use of recycled materials, local food production, and education of staff and visitors on sustainable practices. A condition of approval will be included to require these items to be implemented.

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. If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building Code, and the County's conditions of 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**	**Less Than Significant Impact**	**No Impact**

				Incorporation	
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	☐	☐	☒	☐

Discussion:

a. The proposed project would not involve the transport of hazardous materials other than those small amounts utilized in typical winery operations. Impacts would be less than significant.

b. Hazardous materials such as diesel and maintenance fluids would potentially be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of an existing winery that would not be expected to use any substantial quantities of hazardous materials. The operation changes are not anticipated to significantly increase the quantities. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environments. Impacts would be less than significant.

c. There are no schools located within one-quarter mile from the proposed project. The nearest school is within the City of Napa, over three and a half miles northeast of the proposed winery. No impacts would occur.

d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

e. No impact would occur as the project site is not located within an airport land use plan.

f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed modifications to the use permit. The project includes a new driveway which will meet the County standards. The planned improvements have been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. The proposed winery would not obstruct an emergency response or evacuation plan. Impacts would be less than significant.

g. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the winery is located within the local response area and not identified within a fire risk area. The parcel is located in the southwest area of the county in Carneros area and is developed with vineyard. The proposed project includes visitation for by appointment tours and tastings,

marketing events, and employees. The proposed physical improvements are within the existing developed area of the site that is currently vineyard. The improvements would not result in a physical modification to the site that would alter factors that would likely exacerbate wildfire risks. The proposed physical improvements and operational changes do not increase the potential for significant loss, injury or death due to wild-land fires. See section XX, Wildfire for additional detail. Impacts of the project would be less than significant.

Mitigation Measures: None are required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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?	☐	☐	☒	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
	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?	☐	☐	☒	☐
	iv) impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

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. All wells that serve the parcel, in

addition to the proposed new Winery well are located outside the GSA Subbasin and the Napa County Groundwater Deficient Area (MST).

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 requires applicants to perform a Tier 2 analysis where the proposed project would result in an increase in groundwater extraction from project well(s) compared to existing levels.

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."

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/b. A Water Availability Analysis (WAA) was prepared by O'Connor Environmental, Inc. (OEI), dated January 30, 2023. The WAA evaluated existing and proposed water demand for the project and vineyard located on the Winery Parcel as well as a parcel directly west under common ownership (APN 047-380-010). Water for this project will be supplied from a new well to be drilled on the proposed Winery Parcel. The alternative supply is from an existing well (Well #1) on an adjacent parcel owned by the applicant (APN 047-380-010). Because groundwater for the project could potentially be obtained from an existing well on the adjacent parcel, the WAA analyzed groundwater impacts for both options.

The two project parcels have a combined 88.1 acres of vineyard and use water for irrigation as well as for frost protection. The proposed Winery Parcel (APN 047-380-009) has about 41.1 acres of existing vineyard and is referred to as the Sonapa Block. The adjacent parcel, APN 047-380-010, has about 47 acres of irrigated vineyards (per applicant's Water Rights Report of Licensee in 2020 and 2021) and is referred to as the North Hills Block.

Most of the water used in the Sonapa Block (site of proposed winery and new well) is drawn from an offsite well not owned by the project applicant referred to as the Sonapa Well (Well 2). Water from this well is pumped into the Sonapa Reservoir, which is an off-channel reservoir located immediately west of the project parcels (**Attachment G** --Figure 4). A pump station then transfers water from this reservoir to the Sonapa Block, with access to the Sonapa Well and ~~the~~ Sonapa Reservoir, and the accompanying pipelines is guaranteed through easements on file with the County of Napa (Easement Grant Deeds 952 O.R. 97 and 953 O.R. 479). Because the Sonapa Reservoir only captures direct precipitation and does not impound runoff from surrounding areas it does not require a Water Right from the State Water Resources Control Board.

Some of the water used on the North Hills Block comes from the Heller Reservoir, an on-channel reservoir built to capture runoff from an unnamed tributary to Huichica Creek near the southern edge of APN 047-380-010, a parcel under applicant's ownership (**Attachment G** - Figure 4). A water right has been perfected for this reservoir (A027796, **Attachment G** - Appendix B) allowing up to 40 acre-ft/yr to be stored and annual withdrawals of up to 35.5 acre-ft/yr. Surface water diverted to the Heller Reservoir may only be used on APN 047-380-010 per terms of the Water Right. The North Hills Block also uses groundwater from Well 1 which is stored in the Heller Reservoir; water stored in the reservoir from groundwater and surface water diversions must be tracked separately in order that it can be demonstrated that use of stored surface water conforms to terms of the Water Right.

The existing water demand as shown in Table 1 below, includes irrigation. According to records for the reservoirs, approximately 44.05 af/yr is currently used to irrigate the 88.1 acres of combined vineyard on the two parcels. Of the 44.05 af/yr, approximately 36.22 af/yr is from captured precipitation or diversion as part of the Water Right, resulting in total groundwater for irrigation of 21.63 af/yr as shown in Table 1.

Table 1 - Existing Water Demand

Water Demand Component	Vineyard (acres)	Water use by acre (af/yr)	Annual Water Use (af/yr)
Irrigation & Frost Protection			**44.05**
Vineyard	88.1	0.5	44.05
Frost Protection	0.0	0.25	0.0
Surface Water and Precipitation Capture and Diversion			**(36.22)**
Heller Reservoir – Avg. diversion 2012-2021			(25.50)
Heller Reservoir Avg Precip. Capture 2021-2021			(7.77)
Sonapa Reservoir Avg Precip Capture 2012-2021			(2.95)
Evaporation Losses from Reservoirs Replaced with Groundwater			**13.80**
Total Groundwater Use			**21.63**

Tier 1 – Parcel recharge was calculated including the Winery Parcel and existing well parcel under common ownership, directly west of the Winery Parcel. The two parcels total 120.72 acres were modeled based on the near-average water year, representative of a 30-yr period between 1981 and 2010, the results of which estimated that during an average year recharge would be approximately 65.5 af/yr or 34% of groundwater demand. During a 10-year period for average rainfall year between 2012-2021, recharge for the parcels is estimated to be 33.0 af/yr, or equivalent to 68% of the estimated groundwater demand for the two parcels that include vineyard irrigation and winery operations totaling 22.88 af/yr as detailed in the Table 2 below.

Table 2 - Proposed Water Demand with Winery Use

Water Use Component	# of Units	Use per Unit	Annual Water Use (ac/yr)
Irrigation	**Irrigation Sub-total**		**41.35**
Sonapa (APN 047-380-009)	35.7	0.5 af/acre/yr	17.85
North Hills (APN 047-380-010)	47	0.5 af/acre/yr	23.50
Winery Use	**Winery, Guest & Employee Sub-total**		**3.58**
Process Water	120,000 gallons	2.15 af/100,000 gallons	2.58
Guest and Employee Use			
Tasting Room Visitation	31200 guests	3 gallons/guest	0.29
Events w/ onsite catering	2900 guests	15 gallons/guest	0.13
Full-Time Employees	25 employees	15 gallons / shift	0.29
Part-Time Employees	10 employees	15 gallons / shift	0.06
Domestic & Landscaping	120,000 Gallons	0.50 af/100,000 gallons	0.60
Surface Water & Precipitation Capture & Diversion			**(36.22)**
Evaporation Losses from Reservoirs, Replaced with Groundwater			**13.80**
Total proposed Groundwater Use			**22.88**

Employee shifts are assumed to be 250 shifts/yr for full-time employees, and 125 shifts/yr for part-time employees

A Tier 2 analysis is required where the proposed project well is located within 500 feet of an offsite neighboring well or spring. There were no springs identified within 1,500 feet of the project wells The nearest well is Well #4 located 760 feet from Well #1 on the existing well parcel. The Sonapa Well (Well #2) located offsite to the west supplies only irrigation water to the Winery Parcel and will not supply water to the winery. This well is not anticipated to increase pumping as a result of the winery project. Given the proposed removal of 5.4 acres of vineyard from the Winery Parcel, it is anticipated that pumping from the Sonapa well will decline. As part of the project, a new well will be drilled on the Winery Parcel where the proposed location is outside the 500 foot distance to any offsite neighboring wells; therefore, a Tier 2 analysis was not required, and groundwater pumping is not anticipated to result in drawn-down in any nearby well. Therefore, any potential impact would be less than significant.

A Tier 3 review is the County's adopted method for complying with its duties under the Doctrine. As discussed herein, the new project well will comply with the WAA Guidance document. County has satisfied its duty to consider impacts to trust resources and no further analysis is required. analysis was prepared for the project as the proposed new well is located within 1,500 feet of Huichica Creek, which is a significant stream. Well #1 and Sonapa Well #2 were not included in the Tier 3 Analysis as the wells are not located within 1,500

feet of a significant stream. Based on the WAA Guidelines, where distance standards and well construction assumptions are met. Well #1 meets the criteria outlined in Tables 3, 4 and 5 of the WAA Guidelines.

The proposed new winery well will be located approximately 400 feet from Huichica Creek, and the well head elevation is proposed to be 115 feet above mean sea level (amsl). The proposed winery well will serve only the groundwater requirements for the winery, employees and visitors. Groundwater demand for the winery and associated uses as detailed in Table 2 above, is estimated to use 3.58 af/yr. The proposed well in accordance with Table 3 of the WAA guidelines will be constructed with a surface seal of not less than 50 feet, where the uppermost section of perforated casing is no less than 100 feet from the ground surface, and the proposed well can be located an additional 100 feet to the southwest where the well will be 500 feet from Huichica Creek, demonstrating that the proposed well meets the design standards; thereby meeting the Tier 3 criteria. Additionally, the new project well will be constructed with an additional 50 feet deep well seal where the perforated casing will start at 150 feet below ground level at an elevation not greater than 35 ft amsl.

Furthermore, wells in the area (Well 1, 6, 10 and 13 shown on Figure 6 of **Attachment F**) were reviewed and determined that each of these wells was constructed with casing perforation starting below 100 feet from ground surface. This demonstrates that a well meeting the design criteria in Table 3 is feasible in the project area.

The streambed elevation of Huichica Creek is between 80 and 105 feet amsl, where elevations of the upper most sections of well screen (perforated well casing) ranges from -92 to 70 ft amsl. In each of the eight (8) wells in the vicinity, each had a relatively thick clay strata with a range of -235 to 37 ft amsl. O'Connor Environmental, Inc. concluded that there is strong evidence that little interaction occurs between surface water in Huichica Creek and groundwater in the local aquafer, and that drilling the proposed project well would not result in streamflow depletions within Huichica Creek.

The project shall include a project specific Condition of Approval COA No. 4.20(e), 6.15(d), and 9.9(c), implemented to require the following: that Well #1 and the proposed new well shall be monitored including static water levels no less than quarterly (four times per year) and the volume of water collected monthly. As conditioned, the County has satisfied its duty to consider impacts to trust resources and no further analysis is required. The condition would also include the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use. Impacts would be less than significant.

4.20(e) Groundwater Management - The parcels shall be limited to 21.63 acre-feet of groundwater per year for all water consuming activities on the parcels. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(d) below.

In the event that changed circumstances or significant new information provide substantial evidence[2] that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

6.15(d) Groundwater Demand Management Program

1. The permittee shall install a meter on each well serving the parcels. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.

2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.

3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.

4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately, and the first monitoring report is due to the County within 120 days of approval of this modification.

[2] 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.

5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, 21.63 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.

6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.

7. At the completion of the reporting period per 6.15(d)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:

   i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
   ii. Upon continued increases in operations approved under this permit, the PBES Director, or the Director's designated representative, has the right to revise the data submittal schedule.

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

c. The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a 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. Impacts would be less than significant.

d. The site lies outside the boundaries of the 100- and 500-year flood hazard boundaries. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.

e. The proposed project would not conflict with a water quality control plan or sustainable groundwater management plan. 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?		☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

a. 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 allow 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 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." More specifically, General Plan 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 Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space…") and the General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture…).

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

Mitigation Measures: None are required.

XII.	**MINERAL RESOURCES.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

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

Mitigation Measures: None are required.

XIII.	**NOISE.** Would the project result in:	Potentially Significant	Less Than Significant With	Less Than Significant	No Impact

		Impact	Mitigation Incorporation	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?	☐	☐	☒	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion: The parcel is bordered on the north by Sonoma Highway, vineyards and residences to the north, west, south and east. Sonoma Highway contributes to a high ambient noise level. The proposed winery is located over 600 feet to the west of the nearest residence. Additionally, there are trees within the riparian area of Huichica Creek and an unnamed tributary between the project and the residence, with no trees proposed to be removed as part of the project.

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

7.3. CONSTRUCTION NOISE

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

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

Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. Typical winery operations would occur between 8:00 a.m. and 6:00 p.m. (excluding harvest), visitation would occur between 10:00 a.m. and 6:00 p.m., with marketing events generally

occurring between 10:00 a.m. and 10:00 p.m. Production activities would occur inside the building, limiting some noise sources related to the production of 120,000 gallons.

The nearest residence is located over 600 feet to the east of the proposed winery, where the residence is located approximately 200 feet south of Sonoma Highway (SR 12/121), where noise levels generated from the highway are 70 ldn at a distance of approximately 200 feet. The project includes indoor and outdoor tasting areas, where the outdoor space is on the southern side of the winery building, blocking noise to the nearest residence. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term, significant, permanent noise impacts. Impacts would be less than significant.

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

Mitigation Measures: None are required.

XIV. **POPULATION AND HOUSING.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
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 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.

The proposed staffing for the project includes 25 full-time and ten (10) part-time could lead to minor population growth in Napa County. 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.

The proposed use permit would facilitate the construction and operation of a new winery. Other than on-site wastewater treatment and driveway access improvements to serve exclusively the winery's operations, no new infrastructure is proposed that might induce growth by extending service outside of the boundaries of any of the winery owner's properties. 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 or conversion of utility space to occupied space as is proposed with the project. New visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other businesses supporting the winery's requested operations is uncertain, unquantifiable, and speculative.

The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, ensure adequate cumulative volume and diversity of housing. The project would have a less than significant impact on population growth.

b. There is no existing residential development on the property. No residential buildings on or off of the property would be demolished as a result of the project. Thus, no residents would be displaced, and there would be no impact.

Mitigation Measures: None are required.

XV. **PUBLIC SERVICES.** Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Discussion:

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

to create a minimal increase in the county's population and its need for housing such that local schools would not be strained by the proposed project with visitation, marketing events, and employment. The proposed project would have minimal impact on public parks as no residences are proposed, and as previously noted the increase in regional population from the proposed project is expected to be minimal. Impacts to public services would be less than significant.

Mitigation Measures: None are required.

XVI.	**RECREATION.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion:

a. The requested use permit does not include any residential component and is not likely to lead to the accompanying introduction of new residents to the site or area. The use permit would in winery employees and daily tours and tastings visitors to the property, some of whom might visit regional recreational facilities on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.

b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit. 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?	☐	☐	☒	☐
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c)	Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

d)	Result in inadequate emergency access?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion:

a/c/d. The project site will be accessed from a new single driveway off Sonoma Highway (SR 12/121) with a secondary existing driveway which will continue to be used for vineyard access. The new driveway on Sonoma Highway (SR 12/121) will serve as the main entrance used by the public, for employee use, and winery vehicles, and trucks during harvest. The proposed main driveway will comply with County Road and Street Standards (RSS) and include emergency vehicle access. No changes are proposed for the existing driveway as it will continue to serve as an agricultural road. The proposed driveway has adequate sight distances along Sonoma Highway (SR12/121) to accommodate all turns into and out of the project site. Sight distances were evaluated based on sight distance criteria contained in the *Highway Design Manual* published by Caltrans. While the study area lacks pedestrian facilities and transit service, there is not expected to be a demand for this type of service. Existing bike facilities on the highway are not designated; however, there is an eight-foot shoulder on both sides of the highway which could accommodate a Class II facility in the future.

According to Section 22100 of the *California Vehicle Code* (CVC) when a driver is approaching for and making a right turn they must be as close to the curb or edge of the road as possible. Section 21717 of the CVC requires a right-turning driver to merge into a bike lane before making their turn if that bike lane is between the driver and the edge of the road so that the driver can be compliant with Section 22100. Since drivers of motor vehicles are required to yield to bicyclists in a bike lane and the volume of bicyclists that would use the proposed bike lane is expected to be low and therefore, it does not pose a safety or policy concern for the bike lane to also serve as a right-turn deceleration lane.

As proposed, the project would not affect the existing shoulder or impede the County's plan to install bike lanes in the future. To accommodate cyclists, the project proposes to include bicycle parking spaces along the southside of the visitor parking stalls. As proposed, the project would not conflict with any plans, ordinances or policies addressing the circulation system. The project would not substantially increase hazards due to design features. Impacts would be less than significant.

b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions.

The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new CEQA Guidelines and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The 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, 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 15%, the conclusion would be that the project would cause a significant environmental impact.

The Final Traffic Impact Report prepared by W-Trans, dated November 3. 2023 addresses potential transportation impacts generated by the proposed project. The study reviewed LOS, sight distance, and the County left-turn lane warrant to identify potential impacts to the County roadway system. A letter in response to Caltrans comments from January 9, 2024, was prepared, dated May 1, 2024, to provide additional information on the applicant's project description as it relates to Sonoma Highway (SR 12/121).

The study areas for safety and operational analysis consisted of the project frontage to Sonoma Highway (SR 12/121), Sonoma Highway (SR 12/121) / Old Sonoma Road, and Sonoma Highway (SR 12/121) / SR 29.

Sonoma Highway (SR 12/121) / Old Sonoma Road – is a signalized tee intersection with protected left-turn phasing on the eastbound Sonoma Highway (SR 12/121) approach. The southbound Old Sonoma Road approach has a right-turn overlap phase.

Sonoma Highway (SR 12/121) / SR 29 – is a signalized tee intersection with protected left-turn phasing on the northbound approach. The eastbound approach has a channelized right-turn lane.

Consideration was given to evaluate the intersection of Sonoma Highway (SR 12/121) / Napa Road which is west of the project site in Sonoma County. This intersection is currently operating at an LOS C or better during the weekday and weekend peak periods. This intersection is within another county, is operated acceptably, and is on a Caltrans facility, an analysis of the LOS is not required, and therefore, not included in the study area for this evaluation.

The project as proposed would result in the addition of harvest season trips of 247 on a weekday and 237 on a weekend. Although counts were collected, the volumes used for the turn lane warrants at the proposed project driveway location were obtained from Caltrans. These volumes were used instead of the turning movement volumes at the study intersections because the study intersections are about 1.5 miles away from the project site with multiple intersections between them and so were deemed less usable than the segment counts Caltrans collected. Applying higher turning movement volumes from a previous study that included the intersection of Sonoma Highway (SR 12/121)/Duhig Road which had similar volumes to the counts taken at the intersection of Sonoma Highway (SR 12/121)/Old Sonoma Road, and the traffic volumes taken at the intersection of Sonoma Highway (SR 12/121)/Old Sonoma Road instead of the segment traffic, did not result in a requirement for a right-turn lane at the project driveway because the project would not generate the required 40 right turns in an hour during any of the peak hours analyzed. A right turn taper would be warranted using the turning movement volumes, but this would be adequately met by the existing shoulder and proposed bike lane. Copies of the turn lane warrant and traffic counts are included in **Attachment J**.

Project-added trips entering Sonoma Highway (SR 12/121) from the project driveway are expected to have adequate gaps to safely enter traffic as drivers waiting to enter have a calculated average delay of 16.5 seconds, which is well within the range that would be considered acceptable for a public intersection per the County's policies. There were 55 collisions that occurred along SR-121 in the study area, 30 were due to unsafe speeds or 54.5 percent of the total number of collisions. The Statewide Integrated Traffic Records System (SWITRS) does not report the speed of vehicles before a collision and only states that unsafe speeds were the primary collision factor. This could mean that drivers were going above the speed limit or, at or below the speed limit, but too fast for road conditions, such as might occur during rain or in congested conditions. The traffic counts were requested from Caltrans for both 2017 and 2020 to compare pre-pandemic counts to pandemic traffic. It was determined that the 2017 counts were higher and would present a more conservative analysis and so were used in the TIS. A further comparison was made between data from 2017, 2021, and 2022 and it was determined that the 2017 were still the highest and so would still present the most conservative analysis.

The project includes a new winery with visitation, marketing events, and employees that would contribute to traffic volumes previously stated, and summarized below in Table 1, with percentages of traffic volume based on routes traveled in Table 2 below.

Table 1: Trip Generation Summary

Land Use	Daily		Weekend PM Peak Hour (4:00 p.m. to 6:00 p.m.)			Weekend MD Peak Hour (12 noon to 2:00 p.m.)		
	Weekday	Weekend	Trips	In	Out	Trips	In	Out
Non-Harvest	217	207	70	23	47	88	44	44
Harvest	247	237	79	26	53	99	50	49

Note: Trip generation as estimated does not include special events

Table 2: The trip generation assumptions are based on the following route and percentage of traffic traveled.

Route	Percent
To/From West Sonoma Highway (SR 12/121)	50%
To/From Old Sonoma Road	10%
To/From North State Route 29	20%
To/From South State Route 29	20%
Total	***100%***

The land use mix associated with the proposed project would generate approximately 247 daily trips. As a result, Napa County Department of Public Works has included a requirement for a Traffic Demand Management (TDM) Plan as part of the Department's Conditions of Approval, dated July 12, 2024 (Condition of Approval 4.20(d)). As part of the required TDM, the applicant will be required to implement one of five programs/plans outlined in the TIS, including, but not limited to ridesharing programs, employee telework or flexible work schedules, and/or education, outreach and marketing. Through implementation of a TDM Plan, the project is anticipated to reduce the number of daily trips by 132, or 48,180 annual trips (Table 4 of A. The project as proposed includes a left-turn lane to be approved by Caltrans and required to be installed prior to issuance of a final occupancy for the winery building permit (Condition of Approval 4.20(c), 6.15(e), and 9.5(a)), and the required TDM Plan, 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 proposes construction of 50 new parking spaces, with an additional 39 parking spaces along the proposed visitor driveway that will serve as an overflow for marketing events. The TIS determined that the proposed parking supply is adequate for the anticipated demand during typical harvest operation and proposed events up to the largest proposed event at 150-persons. For events larger than 150 persons, event parking will be provided through shuttle services or arrangements for guests to park off site consistent with Condition of Approval No. 4.3. 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	☐	☐	☒	☐
	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.	☐	☐	☒	☐

Discussion:

a/b. On August 17, 2022, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Staff received a response from the Yocha Dehe Wintun Nation and Middletown Rancheria declining comment, and did not receive a response from Mishewal Wappo for request to consult or provide comments.

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?	☐	☐	☒	☐
	b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
	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?	☐	☐	☒	☐
	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?	☐	☐	☒	☐
	e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

a/c. An Onsite Wastewater Disposal Feasibility Study was prepared by Applied Civil Engineering, dated August 22, 2021, to evaluate the feasibility of disposal of the winery process wastewater and domestic sanitary wastewater. The proposed system was designed in accordance with Table 4 of the Napa County "Regulations for Design, Construction, and Installation of Sewage Treatment Systems", designed for a flow rate of 15 gallons per day per employee and three (3) gallons per day per visitor tours and tastings. Marketing events are not included in Table 4, so the following was assumed when designing the system, for catered marketing events, five (5) gallons of wastewater was assumed for guests, and for those events where food is prepared onsite the assumed 15 gallons of wastewater per guest. Meals will only be prepared onsite for marketing events with 30 guests, where all other events with greater than 30 people in attendance will be catered. Based on the number of employees, daily tours and tastings and marketing events of 30 people where meals will be prepared onsite, it is estimated to have a total peak winery sanitary wastewater flow of 2,100 gallons per day (gpd). The combined peak wastewater flow that includes winery process wastewater is estimated to be 5,100 gpd.

Based on the estimated combined winery and domestic wastewater peak flows, the project engineer has proposed two (2) options, the first is a combined sanitary and process wastewater subsurface drip disposal field, and the second option is the same as the first, but winery process wastewater would be collected separately, pretreated, stored and dispersed through the surface irrigation system.

Under the first option, the system would require a disposal area of 8,500 square feet and a reserve area 200% the size of the disposal area for a required reserve area of 17,000 sf. The site topography and parcel size would be sufficient to accommodate the disposal area and required reserve. There are several pretreatment system options available, and the final design shall be selected in accordance with the State Water Resources Control Board effluent requirements.

Under the second option, the required disposal area would be 3,500 sf with a 7,000-sf reserve as winery process wastewater would be collected separately from the domestic wastewater, pretreated, stored, and used to irrigate approximately 4 acres of land located to the south of the proposed winery building. The area of dispersal has the potential to be expanded, if desired, as long as the dispersal area is outside of all well, stream and other required setbacks. Under this option, the engineer has taken into consideration application rates, timing and rainy season prohibition in determining the minimum storage capacity necessary to store pretreated winery wastewater. If the second option is preferred, the addition of a storage tank with a minimum capacity of 30,000 gallon is recommended to provide operational flexibility in timing of land application.

The Onsite Wastewater Disposal Feasibility Study was reviewed by the Environmental Health Division which provided a condition of approval memorandum, dated August 4, 2022 that requires the plans for a wastewater system plans to meet the design criteria, prepared by a licensed professional, and submitted one of the proposed systems to the Environmental Health Division for review prior to clearance of or issuance of a building permit. Installation of a new wastewater disposal system is not expected to result in significant impacts.

c. As discussed in Section X. Hydrology, a Water Availability Analysis (WAA) was prepared by OEI, dated January 30, 2023. As directed by the County WAA Guidelines (May 2015), the report includes a Tier 1 and Tier 3 calculations for the existing and proposed water uses, a groundwater recharge analysis, and potential interference with the onsite streams. The parcel specific groundwater recharge analysis estimated a recharge potential of 33.0 af/yr which is greater than the estimated use of 22.88 af/yr and which is 1.25 af/yr greater than existing water demand of 21.63 af/yr, demonstrating that the subject parcel has enough capacity to serve the proposed use.

Additionally, if the project is approved, the winery would be entitled to operate a daily visitation level in excess of that which would trigger the need for a Public Water System (25 people or more per day for 60 days or more per year). Based on the levels, the project will require a Transient Non-Community water system. A Non-Transient Non-Community Water System Information report was prepared for the project by Applied Engineering, dated August 22, 2020 (**Attachment H**), which was prepared to outline anticipated technical, managerial and financial aspects of a water system. The report stated that the water source would be the existing well, which could serve as a backup well, but the project is proposing to construct a new well on the Winery Parcel that will serve the winery only. The existing and new well independently are anticipated to meet the requirements for use in this type of water system. There are no impacts.

d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is anticipated to have more than sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

XX.	**WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
	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?	☐	☐	☒	☐
	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?	☐	☐	☒	☐
	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?	☐	☐	☒	☐

Discussion:

a. There are no proposed project features that would not substantially impair an adopted emergency response plan or emergency evacuation plan. The proposed driveway would meet commercial standards as defined in the Napa County Road and Street Standards (NCRSS). The parcel will be served by a driveway from Sonoma Highway (12/121), as well as the existing agricultural road that will remain for vineyard use only. The Engineering Division and the Fire Marshal's office have 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 not located within a high fire hazard severity zone. The project site is located within the Local Responsibility Area (LRA) zone. The project site is accessed from Sonoma Highway (12/121), which is located approximately 4 miles northwest of the City of Napa, and 1.6 miles from the nearest local fire station on Old Sonoma Road. The proposed project driveway will provide access to the winery and vineyards, which is situated on slopes ranging from 0 to 5 percent. 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. Impacts of the project would be less than significant.

c. The proposed driveway has been designed to meet NCRSS. 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 include construction of a new winery with outdoor hospitality areas, new winery driveway, and other winery related infrastructure. 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?	☐	☒	☐	☐
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)?	☐	☒	☐	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:

a. As discussed in Section IV. Biological Resources, a reconnaissance level survey was conducted by AES of the project site on May 20, 2020. The report found based on resource and database review potential for 45 special status plant species to be present within the project vicinity; however, the project site was found to be potentially suitable to only six of those species and only one of which was identified during the protocol level surveys. The project does not propose the removal of any special status plant species, as the proposed project will be entirely constructed within a previously disturbed area that is presently planted to vineyard. In addition to flora, the biological review resources for fauna within the Study Area and found potential habitat within the riparian area of Huichica Creek and two tributaries adjacent to the proposed project, and along the parcel boundaries to the east and west. Potential fauna includes steelhead, foothill yellow-legged frog, California red legged frog, White tailed kite, pallid bat, and Swainson's hawk were reported within an area 5.5 to 10 miles of the project site but were not observed during the site reconnaissance. Additionally, the project is not proposing to remove trees as part of the project that could provide habitat for pallid bats. The most recent occurrence of steelhead in Huichica Creek was recorded in 2003. Although construction is not proposed within the riparian area of Huichica Creek or the two tributaries, the riparian area will be protected through implementation of **Mitigation Measure BIO-1**. Although construction is temporary, and the project has been designed to minimize grading and where removal of vegetation is only existing vineyard, the presence of nesting birds and raptors cannot be ruled out; therefore, **Mitigation Measures BIO-2** is required to be followed to reduce potential adverse impacts resulting from construction noise and activities. Through implementation of the aforementioned Mitigation Measures, the project is anticipated to result in less than significant impacts to special status plant and animal specials, oak woodlands, and the perennial and ephemeral stream channel and riparian setbacks.

b. As identified in Section V. Cultural Resources, according to the Napa County Environmental Resource Maps and the cultural resource evaluation prepared for the project, there are no known historic structures on the site. A site reconnaissance performed by Flaherty found +/- 60 obsidian flakes. Flaherty concluded that as a result of agricultural farming in the area, the site has been extremely disturbed in the past as a result and due to the disturbance, it is not known if the locations of the obsidian flakes represent accurate site boundaries. Flaherty has recommended that tests be conducted within the project area to determine the boundaries of the archaeological site and if any subsurface components of the archaeological site are located within the area of the proposed winery development. The project proponent has provided a scope of work for the additional archaeological investigation that includes subsurface testing, included as **Mitigation Measure CUL-1 and CUL-2**. Although no paleontological resources or unique geological features have been identified on the property, in the event during construction, **Mitigation Measure GEO-1** has been included. Potential impacts to cultural, archaeological and paleontological resources would be considered less than significant with an additional pre-construction investigation.

c. 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 Bay Area Air District

recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, as included on the form dated December 2, 2021. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would slightly increase water use from the existing water demands of approximately 1.25 af/yr. The existing water demand is 21.63 af/yr with the addition of the proposed project; the total water demand is estimated to be 22.88 af/yr The groundwater recharge analysis estimates 33.0 af/yr which is greater than the proposed use of 22.88 af/yr. Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. The project would exceed the County thresholds for preparation of a VMT analysis and will be required to provide a left turn lane on Sonoma Highway (SR 12/121), and required a TDM Plan. Although daily trips will result in an increase in 247 daily weekday trips and 237 daily weekend trips, the project as proposed will not result in a 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.

Mitigation Measures:

Mitigation Measure BIO-1

Mitigation Measure BIO-2

Mitigation Measure BIO-3

Mitigation Measure CUL-1

Mitigation Measure CUL-2

Mitigation Measure GEO-1

Nights in White Satin
Winery Use Permit P22-00236-UP
Mitigation Monitoring and Reporting Program

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-1: Project implementation could result in direct or inadvertent impacts special-status species (i.e. Purple needlegrass)	**Mitigation Measure BIO-1 – Riparian Protection** Prior to earth-disturbing activities, the riparian area shall be protected using temporary fencing. Fencing should be located no less than the required 45 feet setback from Huichica Creek and unnamed tributary as identified on Sheet C1 of the Civil Plans. The fencing shall be installed to prevent small animals from migrating into the proposed construction area. Recommended fencing for exclusion of small animals shall consist of silt fencing with a minimum height of 18 inches, trenched and backfilled to a depth six (6) inches.	Permittee shall implement **Measure BIO-1** prior to ground breaking activities.	P	PD	PC/CPI/OG __/__/__
Impact BIO-2: Temporary and intermittent increases in noise levels during construction could result in potentially significant indirect and cumulative impacts on special-status migratory birds.	**Mitigation Measure BIO-2 – Nesting Migratory Bird Avoidance** If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: • Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found; • Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards	Permittee shall implement **Measure BIO-2** prior to project initiation P22-00236-UP.	P	PD CDFW	PC / CPI __/__/__

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division , CDFW = California Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G =Project Engineer/Geologist, Qualified Archeologist = QA
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established; • Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and • Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.				
Impact BIO-3: Temporary and intermittent increases in noise levels during construction could result in potentially significant indirect and cumulative impacts on special-status migratory birds.	**Mitigation Measures BIO-3 Nesting Swainson's Hawk Surveys and Avoidance Buffer** If Project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.	Permittee shall implement **Measure BIO-3** prior to project initiation P22-00236-UP.	P	PD CDFW	PC / CPI __/__/__

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PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact CUL-1: Earthmoving activities that have the potential to disturb cultural resources that potential exist in the area as reported by Caltrans.	**Mitigation Measure CUL-1** Prior to earth disturbing activities, a qualified archaeologist shall perform a Phase II Archaeological Investigation that includes subsurface testing, where any features or artifacts are documented, GPS'd. Features, artifacts and/or resources that are identified shall be reported to the responsible agencies and tribal interests.	Permittee shall implement **Measure CUL-1** prior to project initiation P22-00236-UP.	P	PD QA	PC / CPI __/__/__
Impact GEO-1: Earthmoving activities that have the potential to unearth paleontological resources not previously encountered.	**Mitigation Measure GEO-1 – Paleontological Resources** Discovery of paleontological resources during construction, grading, or other earth moving activities: • In the event that a discovery of a breas, true, and/or trace fossils are discovered during ground disturbing activities, all work within 100 feet of the find shall be temporarily halted of diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before ground disturbing activities are allowed to resume at the location of the find. • All persons working onsite shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.	Permittee shall implement **Measure GEO-1** during ground disturbance during initiation of P22-00236-UP.	P	PD QA	PC / CPI __/__/__

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division , CDFW = California Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G =Project Engineer/Geologist, Qualified Archeologist = QA

PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)