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Initial Study/Mitigated Negative Declaration

SCH: 2025121182

Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed (P23-00278-VIEW), Exception to Con. Regs. (P23-00279-UP), and Exception to the Road and Street Standards
Planning Commission Hearing Date February 4, 2026

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

Initial Study Checklist

(form updated January 2019)

1. **Project Title**: Hourglass Winery, Use Permit Major Modification #P19-00102-MOD, Viewshed Protection Program #P23-00278-VIEW, Exception to the Conservation Regulations #P23-00279-UP, and Exception to the Road and Street Standards

2. **Property Owner:** Jeff Smith, 1104 Adams Street, Suite 104, St. Helena, CA 94574. Phone: (707) 968-9332 or email: jrsmith@napanet.net

3. **County Contact Person, Phone Number and email:** Matt Ringel, Planner III. Planning, Building & Environmental Services, 1195 Third Street, Second Floor. Napa, CA 94559. Phone: 707-299-1351 or email: matthew.ringel@countyofnapa.org

4. **Project Location and Assessor's Parcel Number (APN):** The project is located on approximately 39-acre and 6-acre parcels located approximately 0.2 miles northeast of the intersection of Silverado Trail and Dutch Henry Canyon Road within the AW (Agricultural Watershed) zoning district at 817 Lommel Road, Calistoga, CA 94515. APNs 021-010-080-000 (winery parcel) and 021-010-081-000 (parcel with additional vineyards) (Formerly APN 021-010-001-000, 018-060-024-000, and 018-060-084-000 – revised per Lot Line Adjustment LLA No. W23-00056, Recorded May 31, 2024). Section 34 Township 9 North Range 6 West, Mt. Diablo Base and Meridian Latitude -122° 31' 0.917" N / Longitude 38° 34' 43.536" W

5. **Project sponsor's name and address:** Jon Webb, New Albion Surveys, Inc, 1113 Hunt Avenue, St. Helena, CA 94574. Phone: (707) 963-1217 or email: jwebb@albionsurveys.com

6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS) and Agricultural Resource (AR)

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

8. **Background/Project History:**
   On April 18, 2007, the Napa County Planning Commission approved a Winery Use Permit (P06-01161-UP) to establish a winery with an annual production limit of 30,000 gallons of wine, a 10,400 square foot Type 3 wine cave, 16,800 square feet of outdoor work area, 4,700 square foot canopy, one full-time employee, two harvest employees, nine (9) parking spaces, tours and tastings by appointment only with 10 visitors per day or 22 visitors average per week, a marketing plan (15 private wine, food, and harvest events per year with a maximum of 30 people per event between the hours of noon-4pm and 6pm-10pm and one Napa Valley Wine Auction event with a maximum of 100 people), three 10,000 gallon water tanks, construction f winery wastewater and sewage systems; and improvements to the existing gravel driveway to provide access from Lommel Road to the winery. On April 1, 2010, a use permit Very Minor Modification was obtained (P08-00148-VMM) to modify the winery waste water system from a septic system with drip irrigation to a Hold and Haul system.

   This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018.

   In September of 2020, the parcel was impacted by the Glass Fire, which destroyed all structures on the parcel other than the winery's caves. On January 24, 2021, a Winery Administrative Modification was obtained (P21-00260-WADM) to modify the tanks located adjacent to the crush pad canopy, modify the size and material of the crush pad canopy, and modify the roof of the unconditioned bathroom/mechanical building. On April 25, 2022, a Winery Minor Modification was obtained (P21-00302-MOD) to relocate a 250 square foot pump house and a 10,000 gallon steel water tank. Five groundwater wells have been approved by Napa County across the two parcels between the years of 1991-2008.

9. **Description of Project:**
   The proposal is for a Use Permit Major Modification. This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. The request is to allow the following:

A. Components Necessary to Remedy Existing Violations:

1) Excavation of approximately 1,300 cubic yards of spoils and the removal of 0.1 acre of vineyard associated with the construction of improvements to the project driveway, as detailed on the plans prepared by Albion Surveys, Inc, dated October 2, 2023, and required prior to the recognition of an increase of Tours and Tastings, Marketing, an increase in employee count, and an increase in production volume;
2) Removal of one (1) oak tree associated with driveway improvements, and the planting of three (3) replacement oak trees (at a 3:1 ratio) on the project parcel;
3) Remove two water tanks and associated utilities, located on slopes in excess of 50%, and restoration of the site;
4) Recognition and approval of an increase in visitation from ten (10) visitors per day with a maximum of twenty-two (22) visitors per week to eighteen (18) visitors per day for by-appointment Tours and Tastings with a weekly maximum of 126 visitors.
5) Recognition and approval of an increase in employees from one (1) full-time employee and two (2) harvest employees to two (2) full-time employees and two (2) harvest employees.

B. Expansion Beyond Existing Entitlements:

1) Increase production capacity from 30,000 gallons per year to 60,000 gallons per year;
2) Construct 28,382 sq. ft. of additions to the existing Type 3 Cave, expanding the new total cave area to 38,782 sq. ft., including 36,573 sq. ft. of production area (barrel storage, cold room, wine storage, etc.) and 2,209 sq. ft. for uses accessory to a winery (hospitality area, catering kitchen, and restrooms);
3) Construct a 3,889 sq. ft. utility area, connected to the southeaster cave portal ingress/egress.
4) Construct a 6,555 sq. ft. hospitality building, including 296 sq. ft. of production area, and 6,259 sq. ft. for uses accessory to a winery;
5) Construct a 916 sq. ft. hospitality building for uses accessory to a winery, including a tasting room, patio, and restroom in conformance to the Viewshed Protection Program (Napa County Code Chapter 18.106);
6) Reconfigure the existing crush pad to accommodate an additional approximately nine (9) production tanks and associated catwalks;
7) Construct a 65,000 gallon water tank and pump house;
8) Approval of on-premises consumption of wines produced on-site on the outdoor patios/decks, outside of hospitality buildings, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5. No on-premises consumption was previously approved for the winery;
9) Excavation of approximately 25,000 cubic yards of spoils associated with the construction of structural pads for the new accessory structures, and cave construction;
10) Removal of one (1) oak tree associated with construction of the proposed utility area, and the planting of three (3) replacement oak trees (at a 3:1 ratio) on the project parcel;
11) Increase the number of onsite parking spaces from nine (9) to fourteen (14);
12) Increase visitation from 18 visitors per day for by-appointment Tours and Tastings with a weekly maximum of 126 visitors (recognized above) to 20 visitors per day for by-appointment Tours and Tastings with a weekly maximum of 140 visitors;
13) Increase employment from two (2) full-time employees and two (2) harvest employees (recognized above) to ten (10) full-time employees and two (2) harvest employees;
14) Increase the marketing program to allow: Fifty-four (54) events per year with a maximum of 30 guests, one (1) event per year with a maximum of 100 guests, three (3) events per year with a maximum of 250 guests, and one (1) event per year with a maximum of 500 guests. Events to include catered food. Daily tours and tastings shall not occur on days with marketing events;
15) Installation of wastewater improvements, as detailed in the Wastewater Feasibility Study prepared by Applied Civil Engineering, dated February 3, 2023.
16) Installation of a public water system; and
17) Landscaping, and other improvements typically associated with wineries.

C. An Exception in the form of a Use Permit to the Conservation Regulations has been requested to expand an existing driveway within the stream setback.

D. An Exception to the Napa County Road and Street Standards ("NCRSS") is requested for improvements to the driveway and the driveway entrance to accommodate unique features of the natural environment. The applicant has proposed an alternative driveway design that meets the same overall practical effect as the NCRSS towards providing defensible space and consideration towards life, safety and public welfare, while improving emergency vehicle access to the subject property and the area in general.

E. A Viewshed Protection Program determination is requested for the construction of a new cave portal and 916 sq. ft. hospitality structure accessory to the winery, including a tasting room, patio, and restroom. The Viewshed Protection Program (Napa County Code Chapter 18.106) is applicable to all projects located on minor or major ridgelines in Napa County or on slopes of 15% or greater, and

visible from a County designated Viewshed road. The proposed cave portal and accessory building is located on slopes in excess of 15% and would be visible from State Highway 29, Silverado Trail and Larkmead Lane, County designated Viewshed roads. The proposed project has been designed to blend with the existing hillside and includes new landscaping to screen a minimum of 51% of the structure within five (5) years of obtaining final occupancy.

10. **Describe the environmental setting and surrounding land uses.**
The project is located on approximately 39-acre and 6-acre parcels, located approximately 0.2 miles northeast of the intersection of Silverado Trail and Dutch Henry Canyon Road. The project includes two (2) parcels, APNs 021-010-080-000 (winery parcel) and 021-010-081-000 (parcel with additional vineyards) and includes an existing driveway, winery, vineyards, five groundwater wells, and an agricultural pond used to store groundwater. The project applicant owns two contiguous parcels, APN 021-101-080-000 (39 acres) and APN 021-010-081-000 (6 acres). The existing winery is on the 39 acre parcel, which also contains vineyard, four well, and water storage pond (that is fed from three wells on this parcel). The 6 acre parcel contains vineyards and a 5th well, of which also feeds the water storage pond on the 39 acre parcel. Water pumped from the water storage pond to agriculture uses across both parcels. The proposed winery will use the only well across both parcels that is not connected to the water storage pond. The parcel has one ingress/egress point from Dutch Henry Canyon Road. The project site is approximately 410 feet above mean sea level (amsl). The proposed winery tasting rooms and offices are located within an area that was previously developed and contains a looped driveway. The site previously also contained a single family residence, but residence was destroyed in the 2020 Glass Fire. Hourglass Winery has reconstructed a covered crush pad, water tanks, and replanted vineyards following the 2020 Glass Fire. The parcel contains approximately 18.7 acres of vineyard that has been planted, and an additional 2.5 acres of vineyard that has been previously entitled by Napa County, but not yet planted. The geologic unit and soil type include Boomer loam volcanic bedrock (2 to 35 percent slopes), Perkens gravelly loam (5 to 9 percent slopes), Bale clay loam (2 to 5 percent slopes) MLRA 15, and Riverwash. The property contains disturbed Ruderal Grassland, and Mixed Oak Woodland. Clean up of burned debris has disturbed the area. Many of the oak trees on the property were damaged in the fire. Some of the oak trees are recovering while others are declining. Dead trees have been removed.

Land uses in the area are dominated by large lot residential properties, vineyards, and a resort. There are several nearby off-site residences, with the closest measuring approximately 814 feet to the northwest from the project area.

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

Responsible (R) and Trustee (T) Agencies
California Department of Fish and Wildlife (T), San Francisco Regional Water Quality Control Board (T)

Other Agencies Contacted
None

11. **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.?

Notice of the proposed project was sent certified mail to Middletown Rancheria, Mishewal Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation on October 15, 2025. The County received a response email from the Middletown Rancheria of Pomo Indians of California on October 16, 2025, indicating that the project area is within their aboriginal territories and the correspondence requested project information and tribal consultation. On October 16, 2025, the County replied to the Middletown Rancheria and stated that the application is in process and subject to review pursuant to the California Environmental Quality Act (CEQA) so tribal consultation would be ongoing. The County sent consultation closure notices to the Mishewal Wappo Tribe of Alexander Valley and Yocha Dehe Wintun Nation on November 19, 2025, because no request for consultation was received and more than 30 days had elapsed since the County's consultation invitations were provided.

On December 2, 2025, a site inspection was conducted with The Middletown Rancheria (Michael Rivera) and Napa County Planning Division staff (Matt Ringel) as part of requested consultation. In subsequent communications with The Tribe on December 3, 2025, mitigation measure **TCR-1** was agreed to further protect and avoid impacts to potential tribal cultural resources.

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 visit(s) to the project site and proposed development area

Other sources of information used in the preparation of this Initial Study include site-specific studies conducted and filed by the applicant in conjunction with Use Permit Major Modification application number #P19-00102-MOD, Viewshed Protection Program #P23-00278-VIEW, Exception to the Conservation Regulations #P23-00279-UP, and an Exception to the Road and Street Standards, as listed below, and the environmental background information contained in the permanent file on this project. These documents and information sources are incorporated herein by reference and available for review at the Napa County Department of Planning, Building and Environmental Services located at 1195 Third Street, Suite 210, Napa, CA 94559, or Current Projects Explorer | Napa County, CA (countyofnapa.org)

- Richard C. Slade & Associates LLC, January 31, 2023, Water Availability Analysis (Exhibit A)
- Applied Civil Engineering, August 31, 2023, Stormwater Control Plan (Exhibit B)
- Applied Civil Engineering, February 3, 2023, Water System Feasibility Report (Exhibit C)
- Applied Civil Engineering, February 3, 2023, Wastewater Feasibility Study (Exhibit D)
- Applied Civil Engineering, February 3, 2023, Road Exception Request (Exhibit E)
- Kjeldsen Biological Consulting, August 2023, Biological Resource Study (Exhibit F)
- Graphics (Exhibit G)

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.

Matthew Ringel

Signature

12/28/2025

Date

Name: Matt Ringel
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 vineyards and large lot, rural residential uses. The proposed project includes the construction of 28,382 sq. ft. of additions to an existing underground cave, construction of a 3,889 sq. ft. utility area, construction of 6,555 sq. ft. and 916 sq. ft. hospitality buildings for accessory winery uses, 65,000-gallon water tank, driveway improvements, and the addition of five (5) parking spaces. The proposed project would not degrade the existing visual character or quality or public views of the site from State Highway 29 Silverado Trail, or Larkmead Lane. The proposed 916 sq. ft. accessory winery building and new cave portal ingress/egress is subject to the Viewshed Protection Program. The Viewshed Protection Program (Napa County Code Section 18.106.050) is applicable to all projects located on minor or major ridgelines in Napa County or on slopes of 15% or greater, and visible from a County designated Viewshed road. The proposed accessory building and cave portal ingress/egress are located on slopes in excess of 15% and would be visible from State Highway 29, Silverado Trail and Larkmead Lane, County designated Viewshed roads. The proposed project includes new landscaping to screen a minimum of 51% of the proposed structures from State Highway 29, Silverado, and Larkmead Lane, would be painted an earthtone color, include downward facing lighting, and anti-glare window coatings. The screening vegetation shall achieve 51% screening within five (5) years of planting. The proposed fire protection tank is proposed next to the winery's existing water tanks, and would not be visible from offsite sources. The project parcel is not within an area considered a scenic vista, nor would the proposed development preclude views of a scenic vista. The project would not endanger any scenic resources within a state scenic highway, such as trees, rock outcroppings or historic buildings, because the project is not viewable from a designated state scenic highway. The project also does not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project is the expansion of an existing winery facility, associated winery infrastructure, and compliant with the County General Plan and typical of land uses in the surrounding area, which consists of other scattered hillside vineyards and rural residences.

d. The proposed new winery facility may result in the use of additional lighting that may have the potential to impact nighttime views. Pursuant to Napa County's standard conditions of approval for wineries, the existing outdoor lighting for the winery is required to be shielded and directed downwards, with only low-level lighting allowed in parking areas. As designed and operating subject to the County's standard condition of approval noted below, the project would 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 California Building Code.

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.

Pursuant to standard Conditions of approval for wineries, the winery will be prohibited from installing highly reflective surfaces. The operation is subject to the County's standard condition of approval noted below, the project would not have a significant impact resulting from new sources of glare.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

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?	☐	☐	☐	☒

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

Discussion:

a/b/e As shown on the Napa County Important Farmland Map 2002 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, the project site is identified as 'Prime Farmland', 'Unique Farmland', and 'Other Land'. The project proposes to remove approximately 0.1 acres of vineyard from the project parcel to accommodate driveway improvements. General Plan Agricultural Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. The proposed project would not conflict with existing zoning for agricultural uses. No impacts will occur.

The subject property does not have a Williamson Act contract associated with it. The proposed project does not include the construction of roadways or other infrastructure that would result in the conversion of existing farmland or forestland to non-agricultural or non-forestland uses. The proposed project would not conflict with existing zoning for agricultural uses. No impacts will occur.

c/d The project site is zoned Agricultural Watershed (AW), which allows wineries, upon the granting of a use permit, and agriculture (i.e. the raising of crops/planting of vines) by right. According to the Project Biological Resource Survey (Kjeldsen Biological Consulting, August 2023) the project site consists of disturbed Ruderal Grassland, and Mixed Oak Woodland. The proposed driveway improvements includes the removal of one (1) oak tree, the proposed utility area includes the removal of one (1) oak tree, and the project includes the replanting of six (6) replacement oak trees, thereby adhering to Napa County General Plan Policy Con-24(c) states that a project should "provide replacement of lost oak woodlands or preservation of like habitat at a 3:1 ratio." where avoidance is infeasible. Thus, the proposed project does not 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) nor will the project conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. Impacts would be less than significant.

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

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

by CEQA.

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

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

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

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

The potential impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAD. 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.

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

As mentioned above, in 2010, the BAAD 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 BAAD through May 2017. Given the size of the entire project, which is approximately 40,758 square feet of floor area dedicated to production uses, 15,395 square feet of outdoor fermentation and crush, and 9,962 square feet of space dedicated to tasting/hospitality uses compared to the BAAD's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

c/d. Land uses such as schools, playgrounds, childcare centers, hospitals and convalescent homes are considered sensitive to poor air quality, because infants and children, the elderly, and people with health afflictions, especially respiratory ailments, are more susceptible

to respiratory infections and other air quality related health problems than the general public. Residential areas are also considered to be sensitive to air pollution because residents, which include children and the elderly, tend to be in close proximity of home for extended periods of time.

Land uses in the vicinity of project parcel include rural residential, agriculture (primarily vineyard), and wineries. The closest school (Palisades High School) is located approximately 3.4 linear miles to the west of the project site in Calistoga (Google Earth). The closest residence is located approximately 814 feet to the northwest of the project area. The closest residential area (the City of Calistoga) is over 2.7 miles west of the project area.

In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. These sources would generally be temporary and/or seasonal in nature and would occur at least 3.4 miles from the closest school and 2.7 miles from the nearest residential community, providing dilution of pollutants and odors. 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 noted below, construction-related impacts are considered less than significant: Additionally, for the reasons identified above, the proposed project will not expose sensitive receptors or a substantial number of people to pollutants or objectionable odors, resulting in a less than significant impact.

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

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

1. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAD's phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt 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 BAAD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/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, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The nearest residence to the proposed new winery building is approximately 814 feet to the northwest. 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/b. The proposed project includes the construction of 28,382 sq. ft. of additions to an existing underground cave, construction of a 3,889 sq. ft. utility area, construction of 6,555 sq. ft. and 916 sq. ft. hospitality buildings for accessory winery uses, 65,000-gallon water tank, pump house, driveway improvements, and the addition of five (5) parking spaces. The proposed new development is in areas that have previously been disturbed with vineyards and damaged by the 2020 Glass Fire. The Glass Fire destroyed a single family residence on the parcel and all portions of the winery that were located above ground. Following the fire, the winery the covered crush pad, entrances to the cave, water tanks, and utilities were rebuilt. The project site is approximately 410 feet above mean sea level (amsl). Soil types include Boomer loam volcanic bedrock (2 to 35 percent slopes), Perkens gravelly loam (5 to 9 percent slopes), Bale clay loam (2 to 5 percent slopes) MLRA 15, and Riverwash. According to the project's Biological Resource Survey (Kjeldsen Biological Consulting, August 2023), the project site consists of disturbed Ruderal Grassland, and Mixed Oak Woodland. Several structures burned where the hospitality structure is proposed. Clean up of burned debris has disturbed the area. Many of the oak trees on the property were damaged in the fire. Some of the oak trees are recovering while others are declining. Dead trees have been removed.

The cave expansion portion of the proposed project will be located underground, and will not require the removal of native vegetation or undisturbed area. The proposed utility area is located within a heavily disturbed area due to the Glass Fire, and the subsequent 2023 rebuilding of the covered crush pad. The proposed new utility area requires the removal of one oak tree. The proposed 65,000 gallon water tank and pump house will be located within previously approved winery coverage area, within a disturbed utility area with three existing water tanks and pump house that were constructed in 2023. The 6,555 sq. ft. hospitality building will be located atop the building site of the previously existing residence, which was previously disturbed to fully remove the fire damaged structure. The proposed 916

sq. ft. hospitality building, with a tasting room, patio, and restroom, will be located in an area that was disturbed by the Glass Fire.

Special Status Plant Species: Based upon a review of the resources databases listed in the project's Biological Resource Study (Kjeldsen Biological Consulting, August 2023)(The Biological Study), 31 special-status plant species have been documented in the vicinity of the project site. Seasonal procol-level surveys were conducted for special status plants. The Biological study found that ten of these special status plant species (Franciscan Onion, Bent-flowered Fiddleneck, Napa False Indigo, Clara Hunt's Milk-vetch, Jepson's Milk-Vetch, California Brodiaea, Adobe-lily, Jepson's Leptosiphon, Cobb Mountain Lupine, and Marsh Microseries) have habitat present on the project site, but were not present upon blooming season surveys. Additionally, the California Department of Fish & Wildlife's (CDFW) California Natural Diversity Database's (CNDDB) Rare Find 5 database records the Quadrangle as a Sensitive Element Occurrence (EO) for the Calistoga Popcorn-flower. California Rare Plant Rank 1B1 (rare, threatened, or endangered in CA or elsewhere). State of California status is identified as "Threatened" while the Federal Status identifies it as "Endangered." Its habitat is identified as springs and meadows. The Biological study concluded that the project does not contain habitat for the Calistoga Popcorn-flower. The Biological study included protocol level surveys that concluded that no special-status plant species were observed on or near the site.

Special Status Wildlife Species: The Biological study reviews that 11 special status wildlife species have been documented in the vicinity of the project site. The Biological study found that none of these special status wildlife species have habitat present on the project site. The CDFW CNDDB records the Calistoga Quadrangle as a Sensitive Element Occurrence (EO) for the American Peregrine Falcon. The project site does not contain nesting for foraging habitat for this species.

The proposed project includes the expansion of the winery's driveway, to meet the same overall practical effect of the Road and Street Standards. This expansion includes widening a portion of the driveway within the site's stream setback for Biter Creek. The proposed driveway expansion will expand approximately 800 feet of the driveway to meet the required 22ft width of the Road and Street Standards. The widening road width ranges, with some western portions only requiring the addition of a few inches, while the eastern portion requires that the road be expanded approximately an additional four feet. The southern portion of the road abuts Biter Creek and the northern portion abuts an existing vineyard. The road expansion is proposed on the northern portion of the driveway, encroaching into the vineyard and away from the creek. The proposed expansion requires the removal of one oak tree and approximately 0.1 acre of vineyard. While the proposed tree removal is located next to the project driveway, with low quality and highly disturbed habitat due to regular vehicle traffic, migratory birds and raptors have the potential to nest within the woodlands adjacent to the project area. Tree removal along the periphery of the project site to accommodate improvements to the project driveway and intermittent increases in noise levels due to project construction may cause nest abandonment and death of young birds or raptors, or loss of reproductive potential at active nests located near project activities, resulting in potentially significant indirect and cumulative impacts to special-status bird species. The biological study also analyzed: Raptor Nests, Bird Rookeries, Bat Roosts, Wildlife Dens or Burrows. The biological study concluded that no bird rookeries or raptor nests were observed during their surveys on the property. Trees adjacent to the project do not contain suitable bat habitat. Very few burrows were observed, but small mammals and songbirds likely utilize habitats on the project site for foraging and cover. No significant wildlife dens or burrows were observed. The project will not result in a significant negative impact to wildlife.

Out of an abundance of caution, Mitigation Measure **BIO-1** will require preconstruction surveys for nesting birds to reduce this impact to less than significant level. Due to proposed tree removal, and out of an abundance of caution, in order to mitigate any potentially significant impacts to bat species, Mitigation Measure **BIO-2** requires a bat habitat assessment and surveys prior to any on site vegetation removal.

No other sensitive species have been identified. Based on the limited location of site improvements and minor modifications to winery operations, it is unlikely that the proposed project would have a substantial adverse effect on any candidate, sensitive or special status species, or that it would have a substantial adverse effect on sensitive natural communities. Due to the aforementioned factors, the proposed project would have a less than significant impact on any candidate, sensitive or special status species, or on sensitive natural communities.

c. According to the Napa County Environmental resource maps (based on the following GIS layer – Wetlands and vernal pools and National Wetlands Inventory) 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. The Napa County 2005 Baseline Data Report emphasizes preservation of wildlife corridors and prevention of habitat fragmentation. According to Napa County Environmental Mapping (GIS CNDDB layer) there are no wildlife corridors on the parcel. All proposed improvements would occur on, or adjacent to, previously disturbed areas on the property. Therefore, the proposed project would result in a less than significant impact on wildlife movement.

e. Based on the property zoning of Agricultural Watershed (AW) the project is subject to the vegetation canopy cover retention and removal

mitigation requirements pursuant to the Conservation Regulations Napa County Code (NCC) Section 18.108.020. This section requires 70% retention of the vegetation canopy cover on the parcel (or contiguous parcels under common ownership), and that any vegetation canopy cover removed as part of the project be mitigated at a 3:1 ratio (by acreage) via preservation or restoration, and permanently preserved through deed restriction or other means acceptable to the County. Due to impacts from fires in 2020, the vegetation canopy cover analysis shall be as configured on the parcel existing on June 19, 2018, pursuant to NCC Chapter 8.80.130, Conservation Regulations for Fire Damaged Properties.

The vegetation canopy cover subject to NCC Section 18.108.020 includes the oak woodland and coniferous forest vegetation communities. Two (2) oak trees are considered for removal and conversion to road improvement. As proposed, the project would plant 6 new oak trees, resulting in over 100% retention compared to the 2016 condition. This is compliant with NCC Section 18.108.020(C). The proposed removal of two (2) oak trees and replanting of six (6) oak trees complies with 3:1 replacement or preservation ratio found in NCC Section 18.108.020(D). In addition to the vegetation canopy cover analysis, the oak woodland removal is subject to General Plan Policy CON-24, which requires preservation or replacement of lost oak woodlands at a 3:1 ratio. The proposed planting of 6 oak trees to account for the two (2) oak tree being removed, meets the General Plan Policy requirement.

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

Mitigation Measures:

Mitigation measure **BIO-1:** The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.

b. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.

c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County's Conservation Division and/or the USFWS or CDFW.

d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas shall undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Mitigation Measure **BIO-2**: Bat Tree Habitat Assessment and Surveys.

Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming or removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from

approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities

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. The proposed project includes the construction of 28,382 sq. ft. of additions to an existing underground cave, construction of a 3,889 sq. ft. utility area, construction of 6,555 sq. ft. and 916 sq. ft. hospitality buildings for accessory winery uses, 65,000-gallon water tank, driveway improvements, and the addition of five (5) parking spaces. The proposed new development would primarily occur in areas that have previously been disturbed due to previously approved winery development, vineyard development, wildfire, and/or ornamental landscaping.

According to the Napa County Environmental Resources Maps (based on the following layers – Historical sites points & lines, Archaeology surveys, sites, sensitive areas, and flags) no archaeological resources have been identified on the property. However, if any previous undiscovered resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project. Impacts are anticipated to be less than significant.

7.2 ARCHEOLOGICAL FINDING

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

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

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

Mitigation Measures: None are required.

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

Discussion:

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

The proposed project would comply with Title 24 energy use requirements, and 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. Thus, the proposed project would not result in wasteful, inefficient, or unnecessary energy use. This impact would be less than significant

b. The proposed project would not conflict with the provisions of a state or local plan for renewable energy or energy efficiency because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures: None are required.

VII.	**GEOLOGY AND SOILS.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
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 wastewater 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 on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing a known fault.

ii) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.

iii) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. The project site is identified as having a very low liquefaction potential according to the Napa County Environmental Resource Maps (liquefaction layers), compliance with the latest edition of the California Building Code for seismic stability would result in less than significant impacts.

iv) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there is no evidence of landslides on the subject site.

Impacts would be less than significant.

b. The total proposed grading for development of the site's building pads, garbage enclosures, parking, driveway improvements, and cave construction is estimated at approximately 26,300 cubic yards. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the County Engineering Division prior to the commencement of any on site land preparation or construction. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards (NCRSS), Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code. Prior to issuance of a building or grading permit the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. Engineering Division Conditions of Approval have been included to ensure compliance with the requirements. Impacts would be less than significant.

c/d. According to the Napa County Environmental Resource Maps (based on the following layers – Geology, Surficial deposits, Soil Types, Geologic Units), the project site includes Boomer loam volcanic bedrock (2 to 35 percent slopes), Perkens gravelly loam (5 to 9 percent slopes), Bale clay loam (2 to 5 percent slopes) MLRA 15, and Riverwash. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Building improvements will be constructed in compliance with the latest edition of the California Building Code. The project is not proposed on any unstable geologic unit or soil that would become unstable or would create direct or indirect risks to life or property. Impacts are expected to be less than significant.

e. A Wastewater Feasibility Study, dated February 3, 2023, was prepared by Applied Civil Engineering (Exhibit D), which outlines the required wastewater system to meet the needs of the proposed winery production, employees, visitation, and marketing programs.

The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged, resulting in a less than significant impact.

f. No paleontological resources or unique geological features have been identified on the property in the project area. The project is unlikely to encounter paleontological or unique geological features. Impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

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

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

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

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

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

Regarding operational emissions, as part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Land Use and Climate Innovation (LCI) 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 LCI 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 the General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

The County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). Pursuant to State CEQA Guidelines Section 15183, this assessment focuses on impacts that are "peculiar to the project," rather than the cumulative impacts previously assessed, because this Initial Study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared. GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide (CO2), methane, ozone, and the fluorocarbons, which contribute to climate change. CO2 is the principal GHG emitted by human activities, and its concentration in the atmosphere is most affected by human activity. It also serves as the reference gas to which to compare other GHGs. For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The physical improvements associated with this project include the construction of 28,382 sq. ft. of additions to an existing underground cave, construction of a 3,889 sq. ft. utility area, construction of 6,555 sq. ft. and 916 sq. ft. hospitality buildings for accessory winery uses, 65,000-gallon water tank, driveway improvements, and the addition of five (5) parking spaces. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to relevant best management practices identified by the BAAD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAD proposed thresholds for land use projects are designed to address "Operational" GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a winery generally include: i) any reduction in the amount 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 BAAD recommended minimum design elements.

Specifically for buildings, the project must not:

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

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

Specifically for transportation, the project must:

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

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

As discussed above and in section XVII. Transportation, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers did not require completion of a traffic study or VMT analysis.

The Department of Public Works has conditioned the project to require a Transportation Demand Management Plan prior to building permit issuance, detailing measures to reduce vehicle trips. These measures shall include, but not limited to, subsidized transit passes, carpool incentives, and bicycle trip-end facilities such as bicycle parking.

The proposed tree removal is subject to GHG analysis, as the proposed total tree removal would result in loss of carbon sequestration. Tree removal associated with the project includes two (2) oak trees for the proposed driveway improvements and construction of the proposed utility area. Emissions resulting from the tree removal is offset by the replanting of minimum 3:1 by acreage ratio of similar woodland on developable land (i.e., <30% slopes, outside of setbacks). To be consistent with the State's long-term climate goals of being carbon neutral by 2045, the project includes the planting of six (6) oak trees on otherwise developable land. Based on the proposed design and required conditions of approval, the loss in carbon sequestration from the proposed removal of trees would be offset by replanting the equivalent amount or more of carbon sequestering trees on developable land as would be removed by the project.

New development resulting from this project will utilize energy conserving lighting and water efficient fixtures. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures submitted with the project application. If the proposed project adheres to these relevant design standards identified by BAAD, the requirements of the California Building Code, and the County's conditions of project approval, impacts are considered less than significant.

Mitigation Measures: None are required.

IX.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
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 will not involve the transport of hazardous materials other than those small amounts normally used in winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less than significant impact.

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

c. There are no schools located within one-quarter mile of the proposed project. According to Google Earth, the closest school (Palisades High School) is located approximately 3.4 linear miles to the west of the project site in Calistoga. 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/f. No impact would occur as the project site is not located within an airport land use plan.

As detailed further in Section XVII. Transportation, an Exception to the Napa County Road and Street Standards ("NCRSS") is requested for improvements to the driveway and the driveway entrance to accommodate environmental and physical constraints that present challenging obstacles to the installation of a fully compliant road. The Napa County Road and Street Standards (NCRSS) requires a 22 ft minimum width for commercial access roads. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of at least 6" dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

The existing driveway in this area serves only the subject parcel. From Station 0+00 (County Right Away) to Station 13+00, the driveway is currently paved with gravel and chipseal to an average width of 14 feet. This area was previously granted an Exception to the Road and Street Standards for width due to proximity to Biter Creek. Longitudinal slopes vary and generally average less than 5%. At Station 13+00, the driveway turns away from the stream and the paved width increases to approximately 20 feet from Station 13+00 to the winery site (Station 19+00). Longitudinal slopes vary and generally average approximately 10%.

As part of this project, the majority of the driveway will be expanded to 20' width with 2' of shoulders. An approximately 100 linear foot portion of the driveway, from station 2+50 to 3+50, is incombered by mature oak trees and a stream setback. In this portion, the project proposes to maintain an existing driveway width of 12 feet and a horizontal clearance of 14 feet. Current NCRSS require the

road to be 20' paved width, with 1' shoulders on each side with a 15 foot horizontal clearance; however, widening the road as required in this area would require complete driveway reconstruction, removal of mature native oak trees, and the installation of approximately 1,000 square feet of impervious surface within the stream setback.

An exception is requested for the existing driveway width at this location for the existence of physical site limitations including existing natural water courses and large native trees. Signage will be added at each end of each section of driveway stating "Single-Lane Road Next 100 Feet". Finally, the area around the winery buildings will be cleared of vegetation in accordance with the Napa County Defensible Space Guidelines, resulting in a driveway that provides the following characteristics:

1. Access for emergency wildland fire equipment;
2. Safe civilian evacuation;
3. Signing that avoids delays in emergency equipment response;
4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
5. Fuel modification sufficient for civilian and fire fighter safety.

The project has been reviewed by the Napa County Fire Marshal's Office and Engineering Services Division and found acceptable, as conditioned. Therefore, the proposed project would not impair implementation of or physically interfere with any adopted emergency response plan or emergency evacuation plan, or obstruct emergency vehicle access and impacts would be less than significant.

g. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The proposed driveway improvements would provide adequate access to the project site from Silverado Trail/Lommel Road and would improve ingress/egress. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts would be less than significant.

Mitigation Measures: None are required.

X.	**HYDROLOGY AND WATER QUALITY.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
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 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 Groundwater Sustainability Agency (GSA) Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis (WAA) would suffice to assess potential impacts on groundwater supplies. For this proposed project, while portions of the project parcels are located within the GSA Subbasin, the parcels' wells are physically located outside the GSA Subbasin.

Tier 1 Analysis: Since the wells on both parcels are located outside of the GSA Subbasin, calculations for the existing and proposed water uses and a groundwater recharge analysis was performed based on a parcel-specific WAA.

Tier 2 Analysis: 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 Water Availability Analysis Guidance Document- May 2015 (WAA) 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.

Tier 3 Analysis: To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways and those non-navigable tributaries connected to navigable waters, the 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."[3]

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 (Interim Standards), providing guidance to comply with the Public Trust.

a. As discussed in Section VII. Geology and Soils a Wastewater Feasibility Report, dated February 3, 2023, was prepared by Applied Civil Engineering (Exhibit D), which outlines two options for the required wastewater system to meet the needs of the proposed winery production, employees, visitation, and marketing programs.

   Option A: The existing septic system serving the winery is consists of a system has a combined domestic and process waste septic system. The system is a conventional gravity distribution type system that was installed between August 2008 and December 2008. The system was designed to serve a 30,000 gallon per year winery with a peak flow of 1,000 gallons per day (gpd) of process wastewater, 165 gpd of winery sanitary wastewater and a four bedroom residence with a design flow of 600 gpd. The total design flow is 1,765. To bring the wastewater system into compliance with current code, match the proposed employee and visitation numbers, and the proposed

[3] Refer to Figure 1: Significant Streams for Tier 3, located at www.countyofnapa.org/3074/Groundwater-Sustainability. The "Significant_Streams" and "Significant_Streams_1500ft_buffer" GIS layers are published as publicly-available open data through the County's ArcGIS Online Account.

production numbers, the existing system could achieve the required 2,200 gpd with the addition of four new leach lines at 100 LF each. This system would require the process wastewater be pre-treated before being disposed of in the leach field.

Option B: Given the requirement for pretreatment of process wastewater, the handling of the process and domestic waste streams could be processed separately. The domestic waste could continue to go to the existing leach field since the peak flows (690 gpd) are less than the 1,765 gpd design capacity for the existing leach field. The process waste in this scenario would be pretreated to land application strength requirements (160 gm/L BOD and 80 mg/L TSS) and surface irrigated to approximately two (2) acres of vineyard located southwest of the winery development area.

All application of treated winery process wastewater must comply with the requirements of the Napa County Process Wastewater Guidelines for Surface Drip Irrigation. The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The Division of Environmental Health reviewed this report and concurred with its findings, conditioned that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required. Additionally, water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. Impacts would be less than significant.

b. A Water Availability Analysis was prepared by Richard C. Slade & Associates LLC. (RCS), dated January 31, 2023. As directed by the County's Water Availability Analysis Guidance Document of May 2015 (WAA) and the Interim Standards, the report includes Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis, a Tier 2 well interference analysis, and a Tier 3 surface water interference analysis.

There are five existing wells across two parcels owned by Hourglass Winery (APNs 021-010-080-000 and 021-010-081-000): Groundwater for vineyard irrigation is pumped primarily using Well Nos. 1, 2, 3, and 4. Occasionally, some supplemental groundwater is pumped from Well 5 when necessary. One pond exists on the subject property (located on APN 021-010-080-000), which is lined and filled only with direct rainfall and with groundwater pumped from the onsite wells. The wells are "cycled" throughout the irrigation season to fill the pond and allow periods of rest (water level recovery) for each well. RCS's report analyses that the existing wells were constructed between 1991-2008, were constructed with well depths ranging from 370-508 feet deep, constructed with PVC casings with diameters ranging from 5-6 inches, and sanitary seals ranged from 20-54 feet below ground surface (bgs). For the proposed winery project, Well 5 will be pumped to meet all winey demands, and is considered to be the "project well". Well 5 is constructed with a cement sanitary seal from ground surface to 54 feet bgs. This seal depth, greater than 50 feet, meets the requirements necessary to allow Well 5 to be used for public water supply purposes. Reported maximum airlift rates for initial post-construction airlifting operations in the onsite wells were estimated by the respective driller to have ranged from 25 gallons per minute (gpm) in Well 1, to 130 gpm in the Well 3, at the time of their respective well construction.

Tier 1: The Tier 1 analysis considered existing uses onsite to include the existing winery, and winery landscaping irrigation, and vineyard across both parcels. The existing groundwater usage is estimated at 12.93 acre-feet per year (AFY). The proposed project would increase groundwater use by 0.57 AFY resulting in an overall water usage of 13.5 AFY.

Existing and Proposed Groundwater Usage Broken Down Across Uses

Source of Demand	Existing (AFY)	Proposed (AFY)	Difference (AFY)
Vineyard (21.2 acres)	10.6	10.6	0
Winery Process Water	0.968	1.290	+0.322
Winery Landscaping	1.228	1.228	0
Employees	0.07	0.216	+0.146
Tasting Room Visitation	0.06	0.067	+0.007
Events and Marketing, with onsite catering	0.0	0.075	+0.075
Events and Marketing, with offsite catering	0.008	0.021	+0.013
Total	**12.934**	**13.497**	**+0.563**

Well 1 through 5 and the majority of the project parcels are outside of the GSA. A smaller western portion of the project parcels are within the GSA boundary. Napa County's WAA procedures are dependent on the location of the project well(s) being located inside or outside of the GSA. Since portions of the parcels are outside the GSA and inside the GSA, each have different methods to calculate the total groundwater recharge of the subject areas and the recharge values are then combined into one total rate of recharge for the subject property. Due to portions of the project parcels being outside of the GSA boundary, a parcel specific recharge calculation was prepared for this portion of the project. The groundwater recharge was estimated by reviewing the soil properties and geological materials present

and their ability to percolate groundwater to the saturated zone of the aquifer. Calculation of evapotranspiration using local climate data along with soil moisture storage and precipitation is believed to provide a more accurate representation of local conditions; evapotranspiration is the largest component of the water balance. The analysis used the PRISM data aggregated from a 10-year average for precipitation in Napa County between water year 2011-12 and water year 2020-21. The project WAA estimates that the portion of the project parcel outside of the GSA has a recharge of 0.4 AFY per acre. For the purposes of the WAA, even though a majority of the parcel is located outside of the groundwater basin, RCS chose to apply the GSA's more conservative estimate of 0.3 AFY per acre across the entire parcel.

Napa County's WAA guidelines allot 0.3 AFY of water per acre of land within the GSA or no net increase if that allocation is already exceeded. As RCS recommended using the 0.3 AFY of water per acre for the portion of land outside of the GSA, the entire parcel would be subject to a recharge calculation of 0.3 AFY of water per acre of land. The 46 acres of the project parcels has an estimated groundwater recharge of 13.5 AFY (46 acres x 0.30 AFY).

As a whole, the total proposed groundwater demand is 13.49 AFY, equivalent to 99.9% estimated annual groundwater recharge values for parcel area. Due to this factor, Napa County has conditioned the project with the following Condition of Approval:

6.15(e) Groundwater Demand Management Program

1. *The permittee shall install a meter on each well serving the parcel (Well 1 through 5). 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 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 the five 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 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 Use Permit.*
5. *For the first twelve months of operation under this permit, the permittee shall read the meters of 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, the maximum groundwater usage value in i below, 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 to be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.*
    i. *Annual cumulative groundwater usage for all wells on the property shall not exceed 13.49 af/yr.*
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(e)(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.*

4.20(a) Groundwater Management – Groundwater use from all wells on the property shall be limited to 13.49-acre feet of groundwater per year for all winery and vineyard water consuming activities on the project parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15 (e).

In the event that changed circumstances or significant new information provide substantial evidence[8] that the groundwater

[4] 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.

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.

Tier 2: Pursuant to County's WAA, a Tier 2 analysis is required when a neighboring off-site well is located within 500 feet of the project well or the well is located within 1,500 feet from a spring. The project well (Well 5) is located within 500 feet from three (3) neighboring wells but greater than 1,500 feet from a known spring. Two of these neighboring wells are located northeast of Well 5, whereas the other offsite well is located southeast of the subject property (east of Lommel Rd). Due to damage that occurred in the 2020 Glass Fire, only one neighboring well head was physically accessible. This well is located approximately 245 feet from the project well. The neighboring well was constructed in 2009 to a depth of 505 feet using PCV casing, perforations extended from a depth of 155-505 feet bgs in the 5-inch diameter casing. A 72-hours of pump tests was conducted on Well 5, at pump rates averaging 9 gallons per minute (gpm), and seven water level tests were completed on the neighboring well simultaneously. Based on this data, no water level drawdown interference was induced.

Tier 3: A Tier 3 review is the County's adopted method for complying with its duties under the Public Trust Doctrine. As discussed herein, the existing project will comply with the County's WAA guidance document. Per the County's WAA, a Tier 3 analysis was performed to evaluate potential groundwater to surface water interaction.

RCS's WAA concludes that the project well (Well 5) is not in direct hydraulic connection with any defined significant streams because:

a. Based on the available data, flow in both Biter and Dutch Henry Creek is typically constrained to the wetter portion of the year, following significant rain events. Many data sources show that both creeks are often dry.
b. A watershed survey conducted by the Napa County Resource Conservation District (NCRCD) in 2012 noted that the streams in the Silby Creek watershed were essentially dry channels at the time of the survey.
c. Well 5 is constructed in a manner that excludes flow into the well by virtue of the cement sanitary seal that extends to a depth of 54 ft bgs. At this depth, groundwater in the thin alluvial sediments (if any) is excluded from entering the well.
d. Perforations in the Well 5 casings begin at a depth of 94 ft bgs, far below the depth of the alluvium in either creek channel.
e. Water level data for Well 5 for several different dates show water elevations that are below the bottom elevations of both stream channels. Further, flow conditions in the creed do not correlate with water level elevations in Well 5.

The WAA found that the aquifers of the project well is not directly connected to Dutch Henry Creek or Biter Creek. The proposed project conforms to Napa County's WAA Tier 3 guidelines. Due to these factors, the project well presumptively meets Napa County's Tier 3 WAA guidelines for groundwater-surface water interaction. County has satisfied its duty to consider impacts to trust resources and no further analysis is required. Impacts would be less than significant.

c/d. The project site is not located within a Federal Emergency Management Agency (FEMA) 100-year flood zone, in a dam or levee failure inundation area, or in an area subject to seiche or tsunami (Napa County GIS FEMA flood zone and dam levee inundation areas layers; Napa County General Plan - Safety Element. pg. 10-20. All proposed work would take place on relatively flat areas of prior disturbance or in areas that are predominately vineyard. The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation

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/b. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture, Watershed, and Open Space) and AR (Agricultural Resources), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space…") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture…).

The General Plan includes Community Character Policy CC-2, requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None are required

XII.	**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 2005 Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None are required.

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

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
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:

a/b. The project would result in a temporary increase in noise levels during grading and construction activities for the proposed winery tasting room/office, garbage enclosure, and driveway improvements. Construction activities would be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. As such, the project would not result in potentially significant temporary construction noise or vibration impacts. The nearest residence to the proposed tasting room is approximately 814 feet to the northwest with considerable amounts of vineyard in between the structures. Due to this distance, there is a low potential for impacts related to construction noise that would result in a significant impact. Furthermore, construction activities would occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities would be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project would not result in long-term significant construction noise impacts. Conditions of approval identified below would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. 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."

The project proposes to increase daily visitation, at 20 visitors per day and with a maximum of 140 visitors per week for by-appointment Tours and Tastings. The project also proposes to increase the existing marketing program as described under Project Description (I). The applicant also proposes to allow on-premises consumption activities in conformity with Business and Professions Code Sections 23358, 23390 and 23396.5 on the patios of proposed hospitality buildings.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses that surround the proposed parcel are predominantly large lot residential properties and vineyards; of these land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.) within which the applicant proposes to conduct 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).

The nearest off-site residence to the proposed winery is approximately 814 feet to the northwest. Under the proposed project, the largest outdoor event that would occur on the parcel would have an attendance of no more than 500 guests, and all events would end by 10:00 p.m., including clean-up. Winery operations would continue to occur between 7:00 a.m. and 5:00 p.m. (production, excluding harvest) and 10:00 am to 5:00 p.m. (tours and tasting). The potential for the creation of significant noise from visitation is significantly reduced, since the tasting areas are predominantly within the winery structure itself, with the exception of the patio and garden areas.

Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Events and non-amplified music, including clean-up are required to finish by 10:00 p.m. Amplified music or sound systems would not be permitted for outdoor events as identified in standard Condition of Approval 4.10 below. Temporary events

would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term significant permanent noise impacts.

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

b. The project site is not located within the influence area of the Napa County Airport, according to the Airport Land Use Compatibility Plan: the closest airport to the subject parcel is the Angwin Parrett Field Airport, located over 4.3-miles to the east. No impacts 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. The Association of Bay Area Governments' Plan Bay Area 2050 Growth Pattern figures indicate that the total households for Napa County are projected to increase some 10% by the year 2050, increasing from 50,000 to 56,000. Unincorporated Napa County, along with the cities of American Canyon, City of Napa, St. Helena, Calistoga and the town of Yountville all have existing compliant 6th Cycle Housing Elements certified by the State Department of Housing and Community Development. For the 6th Cycle, which runs from 2023 – 2031, Napa County jurisdictions have identified and have rezoned or are in the process of rezoning land to accommodate 3,844 dwelling units, more than half of the households projected by ABAG to develop in Napa County by 2050. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs. 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.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the additional iterations of the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Impacts on the local and regional population and housing balance would be less than significant.

The proposed project would employee ten (10) full-time and two (2) harvest employees, eight (8) more than the site's existing conditions. This small number is unlikely to increase housing demand beyond what has been identified in local jurisdiction housing elements over the immediate housing cycle. Employees and visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other business supporting the winery's requested operations is uncertain, unquantifiable, and speculative. No new infrastructure is proposed that might induce growth by extending service outside of the boundaries of the project site.

b. The project does not displace any existing people or housing.

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:

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

Mitigation Measures: None are required

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

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 project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.

b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit application. The proposed project would not result in substantial population growth, resulting in no increase in the use of recreational facilities and requiring no construction or expansion of recreational facilities. 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/b.

As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Land Use and Climate Innovation (LCI) 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 LCI 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. LCI 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.

Based on maximum winery employee and visitor/guest data for the harvest/crush season, the proposed project would be expected to generate 80 daily trips on a weekday and 77 daily trips on a Saturday. This count includes vehicle trips required for 375 tons of grape haul.

Since operational and visitor trips associated with the project is below the 110-trip threshold in the Office of Land Use and Climate Innovation guidelines and the County's TIS Guidelines VMT screening criteria the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

c. An Exception to the Napa County Road and Street Standards ("NCRSS") is requested for improvements to the driveway and the driveway entrance to accommodate environmental and physical constraints that present challenging obstacles to the installation of a fully compliant road. The Napa County Road and Street Standards (NCRSS) requires a 22 ft minimum width for commercial access roads. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of at least 6" dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

The existing driveway in this area serves only the subject parcel. From Station 0+00 (County Right Away) to Station 13+00, the driveway is currently paved with gravel and chipseal to an average width of 14 feet. This area was previously granted an Exception to the Road and Street Standards for width due to proximity to Biter Creek. Longitudinal slopes vary and generally average less than 5%. At Station 13+00, the driveway turns away from the stream and the paved width increases to approximately 20 feet from Station 13+00 to the winery site (Station 19+00). Longitudinal slopes vary and generally average approximately 10%.

As part of this project, the majority of the driveway will be expanded to 20 foot width with 2 feet of shoulders. An approximately 100 linear foot portion of the driveway, from station 2+50 to 3+50, is incombered by mature oak trees and a stream setback. In this portion, the project proposes to maintain an existing driveway width of 12 feet and a horizontal clearance of 14 feet. Current NCRSS require the road to be 20 foot paved width, with 1 foot shoulders on each side with a 15 foot horizontal clearance; however, widening the road as required in this area would require complete driveway reconstruction, removal of mature native oak trees, and the installation of approximately 1,000 square feet of impervious surface within the stream setback.

An exception is requested for the existing driveway width at this location for the existence of physical site limitations including existing natural water courses and large native trees. Signage will be added at each end of each section of driveway stating "Single-Lane Road Next 100 Feet". Finally, the area around the winery buildings will be cleared of vegetation in accordance with the Napa County Defensible Space Guidelines, resulting in a driveway that provides the following characteristics:

1. Access for emergency wildland fire equipment;

2. Safe civilian evacuation;
3. Signing that avoids delays in emergency equipment response;
4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
5. Fuel modification sufficient for civilian and fire fighter safety.

The proposed project's incorporation of the aforementioned design features results in a less than significant impact.

d/e. The winery project was analyzed to determine whether the proposed parking supply would be sufficient for the anticipated daily demand during harvest conditions. The project site, as proposed, would have a total of fourteen (14) parking spaces (with one designated for ADA drivers). Visitors to the Winery will be by appointment only. On a busy day, a maximum of 30 visitors (11 daily vehicles) will arrive in a staggered arrangement so that there should never be more than three or four guest vehicles at the site at anytime. Occasionally, visitors will arrive in a higher-occupancy vehicle such as an SUV, minivan or smaller shuttle bus. The ten (10) full-time employees and two (2) harvest employees per day would then occupy the remaining spaces. The project is designed to meet the Napa County Road and Street Standards or same overall practical effect as the standards, to conform to the latest emergency access requirements, and the existing road system would continue to provide adequate emergency access to the project site. When larger marketing events are held, guests will be brought to the site via bus; furthermore, reducing the proposed project's need for additional parking.

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. Notice of the proposed project was sent certified mail to Middletown Rancheria, Mishewal Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation on October 15. The County received a response email from the Middletown Rancheria of Pomo Indians of California on October 16, 2025, indicating that the project area is within their aboriginal territories and the correspondence requested project information and tribal consultation. On October 16, 2025, the County replied to the Middletown Rancheria and stated that the application is in process and subject to review pursuant to the California Environmental Quality Act (CEQA) so tribal consultation would be ongoing. The County sent consultation closure notices to the Mishewal Wappo Tribe of Alexander Valley and Yocha Dehe Wintun Nation on November 19, 2025, because no request for consultation was received and more than 30 days had elapsed since the County's consultation invitations were provided.

On December 2, 2025, a site inspection was conducted with The Middletown Rancheria (Michael Rivera) and Napa County Planning Division staff (Matt Ringel) as part of requested consultation. In subsequent communications with The Tribe on December 3, 2025, mitigation measure **TCR-1** was agreed to further protect and avoid impacts to potential tribal cultural resources.

According to the Napa County Environmental Resources Maps (based on the following layers – Historical sites points & lines, Archaeology surveys, sites, sensitive areas, and flags) no archaeological resources have been identified on the property. Furthermore, no resources that may be significant pursuant to Public Resources Code Section 5024.1(c) have been identified in the development area. The Cultural Resources conditions of approval discussed in Section V (Cultural Resources), would further avoid and reduce potential impacts to unknown resources.

The incorporation of mitigation measure **TCR-1** would result in less-than-significant impacts to Tribal Cultural Resources, including those that may be eligible for the California Historical Resources Information System or local register, or cultural resources as defined in Public Resources Code Section 5024.1(c).

Mitigation Measures:

Mitigation Measure **TCR-1**: Tribal Cultural Resources

1. Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources.
2. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.
3. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and Permittee. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.
4. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.
5. The Permittee must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Permittee to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities

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. As discussed in detail in Section VII. Geology and Soils, a Wastewater Feasibility Report, dated February 3, 2023, was prepared by Applied Civil Engineering (Exhibit D), which outlines two options for the required wastewater system to meet the needs of the proposed winery production, employees, visitation, and marketing programs.

Option A: The existing septic system serving the winery is consists of a system has a combined domestic and process waste septic system. The system is a conventional gravity distribution type system that was installed between August 2008 and December 2008. The system was designed to serve a 30,000 gallon per year winery with a peak flow of 1,000 gallons per day (gpd) of process wastewater, 165 gpd of winery sanitary wastewater and a four bedroom residence with a design flow of 600 gpd. The total design flow is 1,765. To bring the wastewater system into compliance with current code, match the proposed employee and visitation numbers, and the proposed production numbers, the existing system could achieve the required 2,200 gpd with the addition of four new leach lines at 100 LF each. This system would require the process wastewater be pre-treated before being disposed of in the leach field.

Option B: Given the requirement for pretreatment of process wastewater, the handling of the process and domestic waste streams could be processed separately. The domestic waste could continue to go to the existing leach field since the peak flows (690 gpd) are less than the 1,765 gpd design capacity for the existing leach field. The process waste in this scenario would be pretreated to land application strength requirements (160 gm/L BOD and 80 mg/L TSS) and surface irrigated to approximately two (2) acres of vineyard located southwest of the winery development area. The process wastewater system will be designed per RWQCB and Napa County requirements. The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The division of Environmental Health reviewed this report and concurred with its findings, conditioned that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required.

Based on the proposed uses, the onsite water system will be classified as a transient noncommunity (TNC) public water system per the State of California Drinking Water Requirements. Impacts would be less than significant.

b. As discussed in Section X. A Water Availability Analysis was prepared by Richard C. Slade (RCS), dated January 31, 2023. The report includes calculations for the existing and proposed water uses and a groundwater recharge analysis. An onsite water audit of existing uses was completed, and the existing water use associated with the winery, landscaping, and vineyards are estimated to be 12.93 AFY. Due to the proposed winery expansion, total water usage would increase to 13.49 AFY. Overall, the project would result in an increased water usage of 0.56 AFY. The preparation of the groundwater recharge analysis utilized Napa County's WAA guidance document to establish a 0.3 AFY per acre of recharge for the project parcel, and calculated that the project parcels had a recharge value of 13.5 AFY. As a whole, the total proposed groundwater demand is 13.49 AFY, equivalent to 99.9% estimated annual groundwater recharge values

for parcel area. The proposed water use would not adversely impact groundwater availability.

c. Wastewater would be treated on-site and would not require a wastewater treatment provider; therefore, no impact would occur.

d/e. According to the 2005 Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have more than sufficient capacity related to the current waste generation The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

XX.	**WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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 substantially impair an adopted emergency response plan or emergency evacuation plan. The proposed driveway improvements and proposed project will be designed and improved to meet the same practical effect of the commercial standards as defined in the Napa County Road and Street Standards (NCRSS) and California Board of Forestry and Fire Protection State Minimum Fire Safe Regulations (FSR). Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Napa County Fire Marshal's Office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the proposed project. The new building would be equipped with sprinklers and fire suppression equipment as required by the CA building Code. Impacts of the project would be less than significant.

b. The proposed project is located within a very high fire hazard severity zone and in the State Responsibility (SRA) district. The proposed project includes the construction of 28,382 sq. ft. of additions to an existing underground cave, construction of a 3.889 sq. ft. utility area, construction of 6,555 sq. ft. and 916 sq. ft. hospitality buildings for accessory winery uses, 65,000-gallon water tank, driveway improvements, and the addition of five (5) parking spaces. The project's driveway runs across the site and contiguous to the existing vineyard, which is situated on slopes ranging from 0-10%. The driveway gains access from Dutch Henry Canyon Road, which connects to Silverado Trail. The proposed project includes improvements to the project driveway to aid in the safe ingress and egress of visitors and emergency personnel to and from the site. The majority of the proposed winery will be underground, within an existing winery cave to be expanded, and the hospitality portion of the winery is to be located within a new 6,555 sq. ft. and 916 sq. ft. structure, located adjacent to the looped driveway. The proposed improvements would not result in a physical modification to the slope of the site, changes 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 existing driveway will be improved and will be constructed to demonstrate the same overall practical effect of the County's RSS and State FSR. Proposed utility improvements will be undergrounded, and the winery will contain fire suppression infrastructure, including fire sprinklers. During construction, the risk of igniting a fire would be low because vegetation would be cleared prior to development, and the risk would be temporary due to the limited duration of construction. Operation and maintenance activities would be similar to activities already occurring on properties in the area. This development is not considered a type of improvement that exacerbates wildfire

risk or significant environmental risk. Impacts will be less than significant.

d. The physical improvements are located within an area that has recently been disturbed due to wildfire. 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. The project does not 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 or substantially reduce the number or restrict the range of a rare or endangered plant or animal species.

b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to air quality, greenhouse gas emissions, hydrology, and traffic are discussed in the respective sections above and were determined to have a less than significant impact. The Department of Public Works has conditioned the project to require a Transportation Demand Management Plan prior to building permit issuance, detailing measures to reduce vehicle trips. These measures shall include, but not limited to, subsidized transit passes, carpool incentives, and bicycle trip-end facilities such as bicycle parking. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would result in an increase of 0.56 AFY over the existing levels. Potential cumulative impacts would be less than significant.

c. All potential impacts identified in this Mitigated Negative Declaration are less than significant with the exception of Biological and Tribal Cultural Resources, for which mitigation measures are proposed. Therefore, the proposed project would not result in significant environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None are required.

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
MM BIO-1: Minimize potential indirect impacts to special-status nesting birds and raptors	**BIO-1:** The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5: a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work. b. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity. c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County's Conservation Division and/or the USFWS or CDFW.	The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.	P	PD	PC __/__/__

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, DFW = Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G =Project Engineer/Geologist
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas shall undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.				
MM BIO-2: Minimize potential indirect impacts to bats	**BIO-2**: Bat Tree Habitat Assessment and Surveys. Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming or removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.	The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities	P	PD	PC __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
TCR-1: Tribal Cultural Resources	**TCR-1**: Tribal Cultural Resources 1. Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources. 2. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries. 3. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and Permittee. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities	The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.	P	PD	PC __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources. 4. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training. 5. The Permittee must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Permittee to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.				

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