

“ | ”

Public Comment Received after Previous
Public Comment Ended (12/5/23 at 12
P.M.) until 4/18/24

From: calti@comcast.net
To: [Planning Commission](#)
Cc: [Ringel, Matthew](#)
Subject: FW: Vida Valiente Winery Statement of Facts and Controlling Case Law
Date: Tuesday, December 5, 2023 5:44:56 PM
Attachments: [Vida Valiente Winery Factual Statement And Controlling Case Law.pdf](#)
[SUPPLEMENTAL RULES FOR NAPA COUNTY IMPLEMENTING.pdf](#)
[Glass Fire - CAL FIRE.pdf](#)
[Ruling and Order on Petitions for Writ of Mandate.pdf](#)

[External Email - Use Caution]

Dear Commissioners,

Attach, please find my comments and related case law which I hope you will find helpful in your review regarding the VIDA VALIENTE Use Permit application.

Thank you,

Chritine Tittel

2202 Diamond Mountain Road

Calistoga, CA 94515

VIDA VALIENTE WINERY USER PERMIT NO. P20-00079

I. STATEMENT OF FACTS:

1. Proposed Vida Valiente Winery (“Vida Valiente Winery”) is located at 407 Crystal Springs Road, St. Helena, CA.
Napa County Assessor’s Parcel No. 021-410-013 (16.93 acre) and 021-372-001 (1.15 acre) parcels (“Vida Valiente Winery Site”).
Source: County of Napa, Planning, Building and Environmental Services Department, Initial Study Checklist, Vida Valiente Winery Use Permit P-19-00079 (“Vida Valiente Use Permit Napa County Checklist”).
2. The Vida Valiente Winery Site “*was burned in the summer of 2020 by the Glass Fire. The vegetation canopy cover was largely destroyed in the Glass Fire and has not recovered. The Glass Fire destroyed 82 trees that were previously located within the project site. Site improvements are primarily located in areas... destroyed in the 2020 Glass Fire...*”
Source: Vida Valiente Use Permit Napa County Checklist.
3. The Glass Fire ignited on the “*North Fork Crystal Springs Road & Crystal Springs Road (“Crystal Springs Road”) on September 27, 2020, burned 67,484 acres, destroying 1,528 structures, damaging 282 structures, and was contained 23 days later on October 20, 2020*” (“Glass Fire”).
Source: CAL FIRE Glass Fire Incident Report.
4. “*The proposed project is located within a high fire hazard severity zone and in the State Responsibility (SRA) district.*”
Source: Vida Valiente Use Permit Napa County Checklist.
5. “*Crystal Springs Road ranges in width from about 16 to 14 feet north of the Winery, and from about 12 to 18 feet south of the Winery.*”
Source: Vida Valiente Use Permit Napa County Checklist.
6. Napa County failed to consider impacts on community or area-wide evacuation routes that are severely constrained by the 12 to 8 foot wide Crystal Springs Road that is in violation of CAL FIRE’S and The State of California’s wildfire equipment and civilian evacuation during a Wildfire emergency (“CA Wildfire Evacuation Regulations”), intensified by the fact that Crystal Springs Road burned in the Glass Fire.
Source: Cal. Code Regs. Tit. 14, §1273 *etal.*
Source: CAL FIRE Glass Fire Incident Report.
7. Napa County also failed to assess impacts on community or area-wide evacuation routes negatively impacted by the proposed Vida Valiente Winery.
The Vida Valiente Winery will increase traffic on Crystal Springs Road by the extensive daily visitors, weekly visitors, Winery Club Events, and Large Auction Events, exacerbated by the burning of the Vida Valiente Winery Site in the Glass Fire.
Source: Vida Valiente Use Permit Napa County Checklist.

8. Napa County further failed to evaluate the combined negative impacts on community or area-wide evacuation routes caused by Crystal Springs Road's violation of CA Wildfire Evacuation Regulations significantly worsened by the harmful impacts of increased traffic on Crystal Springs Road caused by Vida Valiente Winery, burned in the Glass Fire.
Source: Vida Valiente Use Permit Napa County Checklist.
Source: Cal. Code Regs. Tit. 14, §1273 *et al.*
Source: CAL FIRE Glass Fire Incident Report.

II. CONTROLLING LEGAL PRECEDENT GOVERNING NAPA SUPERVISORS:

1. Controlling case law requires that the California Environmental Quality Act (“CEQA”) ...must provide analysis of the wildfire risk and the methodology used to analyze that risk relating to the Vida Valiente Winery.
“The Project’s impacts to community evacuation routes, however, must be analyzed...”
Source: Ruling and Order on Petitions for Writ of Mandate, *Center for Biological Diversity, and People of the State of California, Ex. Rel, Attorney General Rob Bonta v. County of Lake, Board of /supervisors of the County of Lake*, Case No CV421152.
Source: Vida Valiente Use Permit Napa County Checklist.
2. *“CEQA does, however require an analysis of a ‘project’s potentially significant exacerbating effects on existing environmental hazards-effects that arise because the project brings ‘development and people into the area affected.’”*
Source: Ruling and Order on Petitions for Writ of Mandate, *Center for Biological Diversity, and People of the State of California, Ex. Rel, Attorney General Rob Bonta v. County of Lake, Board of /supervisors of the County of Lake*, Case No CV421152.
3. *“Because the County’s findings regarding community emergency evacuation routes are not supported by substantial evidence...if a wildfire occurs, the Project’s [guests] will need to evacuate. These people will likely compete with residents in the surrounding area for safe evacuation routes. The additional people competing for the same limited routes can cause congestion and delay in evacuation, resulting increased wildfire related deaths. This is undoubtedly a situation where the Project, by bringing a significant number of people into the area, may significantly exacerbate existing environmental hazards, specifically wildfires and their associated risks. Therefore, this is an issue that is required to be addressed under CEQA.”*
Source: Ruling and Order on Petitions for Writ of Mandate, *Center for Biological Diversity, and People of the State of California, Ex. Rel, Attorney General Rob Bonta v. County of Lake, Board of /supervisors of the County of Lake*, Case No CV421152.

“The National Resources Agency amended CEQA Guidelines Appendix G, which is the checklist for agencies considering environmental review under CEQA, to include questions specifically focused on the effects of new projects in creating or exacerbating wildfire risks.”

Source: Ruling and Order on Petitions for Writ of Mandate, *Center for Biological Diversity, and People of the State of California, Ex. Rel, Attorney General Rob Bonta v. County of Lake, Board of /supervisors of the County of Lake*, Case No CV421152.

4. *“While wildfire risk already exists in such areas, bringing development to those areas makes the risk worse,”*

Source: *CEQA Guidelines Appendix G*.

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:** Vida Valiente Winery, Use Permit #P20-00079-UP
2. **Property Owner:** Hayes Drumwright. 16 Calle Ameno, San Clemente, CA 92672. Phone: 949-278-1234 or email: hayesdrumwright@gmail.com
3. **County Contact Person, Phone Number and email:** Matt Ringel, Planner II. 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 an approximately 16.93-acre and 1.15-acre parcels within the AW (Agricultural Watershed) zoning district at 407 Crystal Springs Road, St. Helena, CA 94574. APN 021-410-013 & 021-372-001-000.
5. **Project sponsor's name and address:** Donna Oldford, Plans4Wine, 2620 Pinot Way, St. Helena, CA 94574. Phone: 707-963-5832 or email: dboldford@aol.com
6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** AW (Agricultural Watershed)
8. **Description of Project:** Approval of a Use Permit to allow a new winery with an annual production capacity of 30,000 gallons per year with the following characteristics:
 - a. Construction of a new 17,722 sq. ft. winery facility containing 10,762 sq. ft. of production space and 6,960 sq. ft. for accessory uses;
 - b. Construction of a new 13,675 sq. ft. wine cave containing 9,113 sq. ft. of production space and 1,335 sq. ft. for accessory uses;
 - c. Removal of 0.8 acres of woodland habitat, and the planting/preservation of 2.4 acres of woodland canopy on the project parcel and neighboring parcel under common ownership;
 - d. Removal of approximately 0.15 acres of vineyard for site access improvements;
 - e. Excavation of approximately 19,400 cubic yards of spoils associated with the cave and construction of structural pads;
 - f. Onsite parking for 10 vehicles;
 - g. Up to five (5) full-time employees, two (2) part-time employees and two (2) seasonal employees;
 - h. On-site domestic and process wastewater treatment systems;
 - i. Hours of operation seven days a week: production 6:00 AM to 6:00 p.m. (non-harvest), visitation 10:00 a.m. to 6:00 p.m. and marketing events 6:00 p.m. to 10:00 p.m. (conclusion of cleanup);
 - j. Tours and tastings by appointment only for a maximum of 28 visitors per day with a maximum of 120 visitors per week;
 - k. Establishing a marketing program, which may include catered events, as follows:
 - i. Two (2) Wine and Food Pairings monthly for up to 24 guests;
 - ii. Three (3) Wine Release/Wine Club Events annually for up to 60 guests;
 - iii. Two (2) Large Auction Events annually for up to 125 guests;
 - l. On-premise consumption of wines produced on-site within the outdoor hospitality areas identified on Sheets A2.02 and A2.03 of the approved Site Plans, prepared by Signum Architecture, dated December 7, 2021, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB 2004); and
 - m. Driveway expansion to meet commercial standards, landscaping, and other improvements associated with wineries.

The proposed winery facility is stepped into a hillside and consists of three building elements; a production winery located at the west side of the development area; an accessory/hospitality area at the east side; and a hospitality section bridging the two together. The three areas are connected via outdoor walkways that consist of an elliptical glass pavilion.



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

Access to the project site is located off of Crystal Springs Road, approximately two (2) miles due north of the boundaries of the City of St. Helena, 0.3 miles due south from Bell Canyon Reservoir and one (1) mile along Crystal Springs Road from the intersection of Silverado Trail and Crystal Springs Road. The project includes one (1) parcel, APN 021-410-013, approximately 16.93 acres in size and includes an existing driveway and approximately 3.2 acres of vineyards. APN 021-410-013 was burned in the summer of 2020 by the Glass Fire and prior to the fire damage the existing conditions included a single-family residence, a horse barn and a swimming pool. Immediately adjacent to Crystal Springs Road the site is generally flat with slopes between zero (0) and five (5) percent with the lowest elevation of 310 feet above mean sea level (amsl) along the northwest end of the parcel where it abuts Bell Creek. Further south the parcel elevation rises significantly, achieving slopes over 50%, and the property rises to achieve its highest elevation at 670 feet amsl. According to County of Napa Environmental Mapping (GIS Vegetation layer) the lower elevations of the property are identified as agriculture or urban while the sloped portion of the property identify as a Douglas-Fir Forest, however much like the prior existing single-family residence and accessory structures the vegetation canopy cover was largely destroyed in the Glass Fire and has not recovered. Soil types include Cortina very stony loam, zero (0) to five (5) percent slopes and forward silt loam, 12 to 57 percent slopes, Major Land Resource Area (MLRA) 15 – Central California Coastal Range. Land uses in the area are dominated by large lot residential properties, wineries, and vineyards. There are several residences that measure between approximately 480 – 700 feet from the proposed winery. Land uses that surround the proposed parcel are predominantly large lot residential properties, wineries, and vineyards

10. **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

United States Fish and Wildlife Service & California Department of Fish and Wildlife

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.?

On March 12, 2020, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. The Yocha Dehe Wintun Nation responded by mail to Staff on March 16, 2020, and declined comment as the project site is not located within their aboriginal territories. On March 26, 2020, the Middletown Rancheria contacted Staff by email, informing them that this project does fall within their Area of Concern and requesting copies of the project's Cultural Resource study, proposed plans, and other applicable documents. Subsequent to their review of the documents the tribe contacted Staff on April 17, 2020, informing staff that the tribe was comfortable with the project moving forward due to the involvement of the Mishewal-Wappo Tribe of Alexander Valley and that they would not be requesting tribal consultation under AB 52. No other responses were received within 30-days of the tribe's receipt of the invitations.

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

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

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

On the basis of this initial evaluation:

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



Signature

11/02/2023

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/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 wineries, vineyards, and large lot rural residential uses. The project consists of the development of a new 17,722 sq. ft. winery facility, a new 13,675 sq. ft. wine cave and the development of winery accessory infrastructure such as driveways, parking, a wastewater system and the establishment of winery operations associated with wine production and hospitality. 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 does not endanger any scenic resources within a state scenic highway, such as trees, rock outcroppings or historic buildings, because the project is not viewable from a designated state scenic highway. The project also does not substantially degrade the existing visual character or quality or public views of the site from Crystal Springs Road. The project is the development of a new winery facility and associated winery infrastructure, compliant with the County General Plan and typical of land uses in the surrounding area.

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 standard Napa County 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, 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 CBC.*
- b. *All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.*

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

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

Mitigation Measures: None are required.

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

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 'Other Land', including the two existing vineyard blocks on the property. The project proposes to remove approximately 0.15 acres of vineyard from the project parcel to accommodate proposed site access 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.

c/d The project site is zoned Agricultural Watershed (AW), which allows wineries upon grant of a use permit. According to the Napa County Environmental resource maps the project site contains Douglas-Fir in the sloped areas of the southern end of the property, however these areas were highly damaged in the 2020 Glass Fire and have not recovered. Following the 2020 Glass Fire, all dead fire-damaged trees were removed in the vicinity of the project site. The project does not propose the removal of any existing trees. 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. No impacts will occur.

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.

Mitigation Measures: None are required

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

Discussion:

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

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

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

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

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

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This

leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, In Your Community: Napa County, April 2016)

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

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

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. Given the size of the entire project, which is approximately 19,875 square feet of floor area dedicated to production uses with 8,295 square feet of space dedicated to tasting/hospitality uses compared to the BAAQMD's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

c/d. In the short term, potential air quality impacts are most likely to result from 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. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

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

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

Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

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

7.1 SITE IMPROVEMENTS

b. DUST CONTROL

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

While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The nearest residence to the proposed new winery building is approximately 480 feet to the east and on the opposite side of Crystal Springs Road. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None are required.

IV.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The project consists of the development of a new 17,722 sq. ft. winery facility containing 10,762 sq. ft. of production space and 6,960 sq. ft. for accessory uses, construction of a new 13,675 sq. ft. wine cave containing 9,113 sq. ft. of production space and 1,335 sq. ft. for accessory uses, the widening of existing private driveways to commercial standards, driveway expansion to create a second exit, removal

of approximately 0.15 acres of vineyard, development of 10 parking spots, the removal of 0.8 acres of woodland habitat, and the planting/preservation of 2.4 acres of woodland canopy. As described in the Environmental Setting description, immediately adjacent to Crystal Springs Road the site is generally flat with slopes between zero (0) and five (5) percent with the lowest elevation of 310 feet above mean sea level (amsl) along the northwest end of the parcel where it abuts Bell Creek. Further south the parcel elevation rises significantly, achieving slopes over 50%, and the property rises to achieve its highest elevation at 670 feet amsl. According to County of Napa Environmental Mapping (GIS Vegetation layer) the lower elevations of the property are identified as agriculture or urban while the sloped portion of the property identify as a Douglas-Fir Forest, however much like the prior existing single-family residence and accessory structures the vegetation canopy cover was largely destroyed in the Glass Fire and has not recovered. Following the destruction of the Glass Fire, the applicant removed damaged trees that were deemed a safety hazard. Of this, 0.8 acres of previously existing woodland habitat is being converted to winery development area. The conversion of fire-damaged habitat to winery development area is subject to Napa County's canopy retention policy, as described below within Section e. Soil types include Cortina very stony loam, zero (0) to five (5) percent slopes and forward silt loam, 12 to 57 percent slopes, MLRA 15.

In the early fall of 2020, the Glass Wildfire occurred and impacted the subject parcel and proposed project site. The Glass Fire destroyed 82 trees that were previously located within the project site. Following the direction of an arborist, the property owner removed all destroyed trees within the project site, as they risked a potential hazard to human health and safety. The proposed project does not propose the removal of any trees.

According to the GIS layer – Natural Diversity Database (CNDDDB), the *Calistoga ceanothus* (*Ceanothus divergens*) has the potential to be located within the region of the proposed project. The Biological Resource Assessment, prepared by Northwest Biosurvey on August 26, 2020, and subsequently updated on April 7, 2021, references that the project site has poor habitat for the species and a field survey did not find any plants that would qualify as special-status species.

The GIS layer – CNDDDB Owl Habitat, shows the potential for owl habitat to occur on the subject parcel. The general attributes of Northern Spotted Owl (NSO) include dense, multi-layered canopy of several tree species of varying size and ages with open spaces among the lower branches to allow flight under the canopy. NSO habitat also tends to include abundant logs, snags/cavity trees with broken tops or platform-like substrates. Northwest Biosurvey's report references that prior to the 2020 Glass Fire, the project site was considered marginal suitable northern spotted owl habitat. The biologist found that after the Glass Fire the proposed project site should be treated as unsuitable NSO habitat; however, there is potentially suitable habitat within a quarter mile of the proposed project. Due to the proximity of potentially suitable habitat in the vicinity, Northwest Biosurvey recommends owl surveys prior to any on site timber operation. For this reason, and in order to mitigate any potentially significant impacts to owls, mitigation measure BIO-1 requires Northern Spotted Owl and raptor surveys prior to any on site vegetation removal.

Northwest Biosurvey completed a bat habitat survey for trees within the surrounding region of the project site and found that these trees (primarily Douglas Fir) lack the necessary hollows and peeling bark to serve as bat roosting sites. No mitigation is required because of this factor.

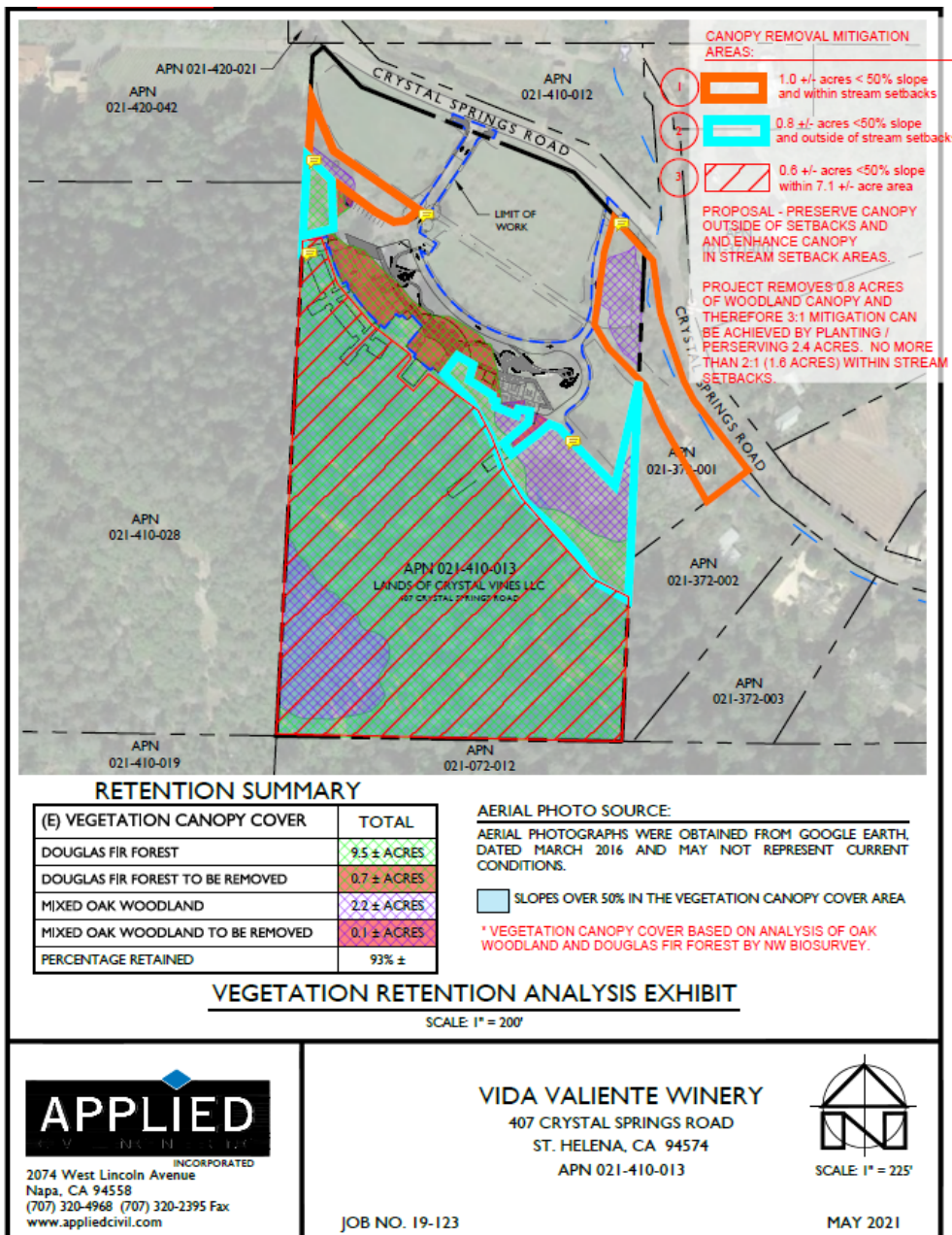
- c. The National Wetlands Inventory identifies Bell Creek as a Freshwater Emergent Wetland. There are no other identified state or federally protected wetlands located within or adjacent to the project. The project would not have a substantial adverse effect on Bell Creek. No development is proposed adjacent to Bell Creek which would potentially remove, fill, or interrupt the river hydrologically. The project parcel has an existing manmade drainage channel that runs through the existing vineyard and drains into Bell Creek. The proposed project includes stormwater and sediment control measures to deter sediment from entering the manmade drainage and subsequently into Bell Creek. It is unclear at this time whether permits from agencies with potential jurisdiction over Bell Creek could be required. For this reason, and in order to mitigate any potentially significant impacts to Bell Creek, mitigation measure **BIO-2** requires the applicant to obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the Regional Water Quality Control Board, and a 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife or demonstrate that the appropriate agencies have determined that associated applications are not required prior to the issuance of building or grading permits.

Coverage under the National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges associated with a Construction Activity (General Permit) and a Storm water Pollution Prevention Plan (SWPPP) may be required. Adherence to the design criteria of these policies and Napa County's Grading Regulations will ensure all work in or near the delineated manmade drainage at Bell Creek should include extensive erosion control measures in order to avoid erosion and the potential for transport of sediments to Bell Creek.

- d. The Napa County Baseline Data Report emphasizes preservation of wildlife corridors and prevention of habitat fragmentation. The Bell Creek riparian corridor provides the principal movement corridor through the Pratt Valley connecting the Howell Mountain Range in this area to the Napa Valley. Additionally, Bell Creek seasonally contains steelhead which move through the channel segment outside of the northeastern corner of the Vida Valiente property. Bell Creek is intermittent depending on the rain year and releases from Bell Canyon Reservoir. No development is proposed within the streambed, within 45 feet of the creek's top of bank, or surrounding riparian habitat. The proposed project will not substantially interfere with migratory fish.

Impacts to this riparian corridor have the potential to result in habitat fragmentation and disrupt wildlife movement due to potential fencing. The Douglas fir forest and mixed oak woodlands in the northern two-thirds of the property are part of a continuous area of remaining natural habitat occupying the ridge separating the Pratt Valley and Bell Creek corridor from the Napa Valley. The presence of this dense forest and woodland surrounded by similar, continuous natural habitat provides this site with core forest value for local wildlife. Any project features that would restrict wildlife movement between Bell Creek and woodland and forest habitat to the south has the potential to result in habitat fragmentation. The implementation of **BIO-3**, regarding the placement of fencing, would result in less than significant impacts.

- 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 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 the 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 18.108.020 includes the oak woodland and coniferous forest vegetation communities. The applicant submitted a Canopy Retention Analysis, prepared by Applied Civil Engineering, dated February 2020. As determined by Applied Civil Engineering, the total June 19, 2018, canopy cover was approximately 13 acres. The total acreage of canopy cover considered for removal and conversion to winery development area is calculated at 0.8 acres, which only includes area from trees already removed following the 2020 fire. As proposed, the project would plant/preserve approximately 2.4-acre, resulting in an 93% retention compared to the 2018 condition. This is in compliance with NCC Section 18.108.020(C). The proposed total canopy cover removal of 0.8-acre would require approximately 2.4-acre of planting or preservation area to comply with 3:1 preservation ratio found in NCC Section 18.108.020(D). Civil improvement plans shows three preservation areas: 1.0-acre surrounding the northern portion of the manmade drainage and where it connects to Bell Creek, 0.8-acres of upland

habitat on slopes less than 50%, and 0.6 acres of less than 50% slope scattered throughout the throughout the southern hillside.

The majority of the area to be preserved was impacted by the 2020 Glass Fire; therefore, the applicant has proposed re-establishing and restoring portions of the area proposed for preservation to revegetate the area faster and more efficiently. The applicant has provided a restoration mitigation plan, produced by Forest Ecosystem Management, that details how the proposed project is consistent with the preservation criteria of NCC Section 18.108.020(D). Within the southern portion of the manmade drainage, surrounding Bell Creek, the applicant has proposed removing exotic and invasive species. This includes the removal of Himalayan Berry, Sweet Fennel, French Broom, Star Thistle, Caper Spurge, and Giant Reed Grass. The removal of these exotic and invasive species will better allow for the establishment of native hardwoods that are to be planted in the area. The applicant proposes planting three (3) White Oaks, ten (10) redwoods, fifty (50) blackberry, and thirty (30) leafy buckwheat. Additionally, the applicant proposes protecting "legacy trees" by thinning tree sprouts within their driplines. Within the northern section of the manmade drainage, the applicant proposes similar activities, such as exotic/invasive species removal to allow for native hardwoods to establish, planting of five (5) white oak trees, and California fescue between the oak seedlings, and protection of "legacy trees". On the southeastern hillside of the property, approximately where the wastewater drip lines are to be located, the applicant proposes the restoration of the site through the removal of exotic/invasive species such as black lotus, the planting of thirty-five (35) redwood trees, the distribution of California fescue seeds, and the protection of "legacy trees" by thinning tree sprouts within their driplines. Further uphill of this region, on flatter regions of the hillsides, the applicant proposes keeping the burned materials and allow for the natural reestablishment of native vegetation. This preservation is in compliance with NCC Sections 18.108.020(D) and (E).

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 2:1 ratio on an acreage basis. Based on the Land Covers figure of the General Plan, the total of fire-damaged oak woodland previously removed due to post-fire safety concerns and newly proposed for removal is 0.1-acre, resulting in a requirement of an approximate 0.2-acre oak woodland preservation area to be consistent with County policy. The Tree Canopy Exhibit and Land Covers Exhibit demonstrate that the proposed oak woodland preservation areas with an area greater than 0.2-acre being preserved, and therefore is consistent with Policy CON-24.

Conditions of approval related to vegetation canopy cover preservation, a perpetual protection easement (or deed restriction), and oak woodland preservation will be included to ensure the site is developed and preservation is incorporated as proposed. The project would not conflict with any local policies or ordinances. A less than significant impact would occur.

6.15 VEGETATION CANOPY COVER PRESERVATION

1. A Vegetation Canopy Cover Preservation Area totaling 2.4 acres of vegetation canopy cover consistent with Sheet C1.1, Tree Canopy Retention Area, shall be designated as such in a deed restriction or open space easement or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including, but not limited to conversion to other land uses such as agriculture or urban development and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The Owner/Permittee shall record the deed restriction or open space easement prior to earthmoving or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the oak woodland and Douglas fir forest being impacted as a result of the proposed project, as follows: areas to be preserved shall take into account the type of vegetation being removed, and species diversity and species that are limited within the project property and Napa County; the acreage included in the preservation area should be selected in a manner that minimizes fragmentation of forest within the project property, protects special-status species; and the preservation area should not include portions of the property already subject to development restrictions (i.e., within creek setbacks or on slopes over 50%). The area to be preserved shall be determined by a qualified biologist with knowledge of the habitat and species and shall obtain final approval from Napa County.
2. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the project site (typically within approximately 50-feet of the project site). The precise locations of said fences shall be shown on grading and/or building permit plans and approved and inspected by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of project construction.
3. The Owner/Permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the project area.
4. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P20-00079 shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval, that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before final inspection of the building permit. Any replaced trees shall be monitored for at least three years to ensure an 80 percent survival rate. Replacement trees shall be installed and documented that they are in good health prior to final inspection of the building permit.

Grading will be subject to the County's "Winter Shutdown Period", consistent with Napa County Code Section 18.108.070 and standard grading deadlines. The proposed project is not located within a sensitive domestic watershed.

- 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:

MM BIO-1: Minimize Potential Impact to Raptors and Northern Spotted Owls:

Prior to approval of a grading permit, the permittee shall include 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 survey 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 PBES Planning 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 PBES Planning Division and the U.S. Fish and Wildlife Service (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 County PBES Planning Division and the USFWS and/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.
- e. 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 should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: The above measures shall be incorporated with grading permit processing and survey recommendations shall be implemented in conjunction with all construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.

MM BIO-2: The applicant shall obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the Regional Water Quality Control Board, and a 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife or demonstrate that the appropriate jurisdictions have determined that referenced applications are not required.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit verification to the PBES department that the necessary permits have been obtained or verification from the appropriate jurisdictions that the referenced permit is not required.

MM BIO-3: Vineyard fencing shall be restricted to the vineyard blocks and winery development area, west of Bell Creek. No fencing shall be installed more than 500 feet south of the existing manmade drainage on-site.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit a fencing plan to the PBES department for review and approval.

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

Discussion:

a/b. On March 12, 2020, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. The Yocha Dehe Wintun Nation responded by mail to Staff on March 16, 2020, and declined comment as the project site is not located within their aboriginal territories. On March 26, 2020, the Middletown Rancheria contacted Staff by email, informing them that this project does fall within their Area of Concern and requesting copies of the project's Cultural Resource study, proposed plans, and other applicable documents. Subsequent to their review of the documents the tribe contacted Staff on April 17, 2020, informing staff that the tribe was comfortable with the project moving forward due to the involvement of the Mishewal-Wappo Tribe of Alexander Valley and that they would not be requesting tribal consultation under AB 52. No other responses were received within 30-days of the tribe's receipt of the invitations.

Tom Origer & Associates was contracted by the applicant to provide a Cultural Resource Study for project parcel. A cultural resource study of the property was completed in March of 2018. The survey identified the prehistoric/historical site P-28-001648 and the "Meg's Crown" site on the property.

Investigations of historical site P-28-001648, delineated primarily within the existing vineyard, found that this portion of the site is marked by obsidian debitage and a few obsidian tools. The site appears to be a task-specific site where obsidian was deduced for transport. Obsidian hydration dating indicates that the site was used for nearly 7,500 years, most intensively between AD 330 and 4680 BC. Tom Origer & Associate's research concluded that there is no separation between P-28-001648 and "Meg's Crown" site, an obsidian quarry.

Site P-28-001648 does not meet California Register Criterion 1 through 3. This site does meet California Register Criterion 4, which includes sites that have yielded, or may be likely to yield, information important to the prehistory or history of the local area, California, or the nation. The site provided data that added to our understanding of regional research domains. The quantity of debitage and variety of material shed light on the phases of tool manufacturing that took place at the site. This is evident by the amount of debitage discarded. Exchange and intergroup contacts were addressed through the analysis of obsidian sources and obsidian hydration dating. Having met Criterion 4, Tom Origer & Associates states that it is unlikely that this portion of the site would yield new information if further work was conducted. Their team has conducted testing and analysis to evaluate the significance of the finds and have determined that no further archeological work, testing, or data recovery is necessary for site P-28-001648. Tom Origer & Associate's study primarily researched site P-28-001648 and referenced that due to limited knowledge of "Meg's Crown" site, additional review should occur to determine the potential significance of the site. Grading is proposed within "Meg's Crown" site; therefore, integrity, or the ability for the resource to convey significance under Criterion 4 of the CRHR, is a potential issue that warrants further investigation. Due to the presence of a potentially significant prehistoric resource within the project area, Mitigation Measure **CUL-1** requires further investigations of the development areas prior to issuance of grading, demolition or building permits. Mitigation Measure **CUL-2** requires archeological monitoring during ground disturbing activities.

Even with the inclusion of MM CUL-1 & 2, in the event that any archaeological materials are encountered during earth-disturbing activities when an archaeologist is not present the project would be expected to comply with standard Condition of Approval 7.2, listed below, and construction of the project would be required to cease, and a qualified archaeologist would be retained to investigate the site. Compliance with both cultural resource mitigation measures and the project's conditions of approval are expected to keep potential impacts to cultural resources from being potentially 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.

Mitigation Measures:

MM CUL-1: Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior’s professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior’s professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a “unique archeological resource”, the report will also outline the steps the County must take to consider potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a “unique archeological resource” under the provisions of Public Resource Code 21083.2.

MM CUL-2: The permittee shall retain a professional, who meets the Secretary of the Interior’s professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:

- Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire workday, and daily while ground-disturbing activities are taking place in culturally sensitive areas.
- During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
- When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.
- Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
- A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.

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

Discussion:

- a. The proposed project would comply with Title 24 energy use requirements and would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.
- b. The 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Discussion:

- a.
 - i) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing a known fault.
 - ii) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.
 - iii) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Although the project site is identified as having a medium 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.
- b. Site improvements are primarily located in areas developed by the previously existing single-family residence and accessory structures that were destroyed in the 2020 Glass Fire as well as within the hillside. The total proposed grading for creation of the site's caves and building pads is estimated at approximately 19,400 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, 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 Cortina very stony loam, (0 to 5 percent slopes), on surficial deposits of Late Pleistocene to Holocene alluvium, undifferentiated and the more steeply sloping hillside topography is mapped as Forward silt loam, 12 to 57 percent slopes. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Building improvements will be constructed in compliance with the latest edition of the California Building Code. The project is not proposed on 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 28, 2020, was prepared by Applied Civil Engineering, 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.
- f. A Cultural Resource Study of the Vida Valiente property was completed by Tom Origer & Associates in November 2019. The study included a record search, review and consultation, and a field survey. Implementation of mitigation measure **MM CUL-1** and standard condition of approval 7.2 identified in Section V above would reduce potential impacts to a less than significant level.

Mitigation Measures: None are required.

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

Discussion:

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

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

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

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

Regarding operational emissions, as part of the statewide implementation of Senate Bill (SB) 743, the Governor’s Office of Planning and Research

² <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>, April 2022
Public Comment - Page 22

(OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions. The CEQA Guidelines and the OPR Technical Advisory concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact. The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips. The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less-than-significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT. Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

- a/b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with 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 BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The physical improvements associated with this project include the construction of approximately 19,875 sq. ft. winery production space, 8,295 sq. ft. of accessory space, domestic water tanks within a cave, driveways, landscaping and other winery related improvements. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

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

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

Specifically for buildings, the project must not:

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

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

Specifically for transportation, the project must:

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

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

As discussed above and in section XVII. Transportation, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers required completion of a traffic study and VMT analysis. The project TIS, prepared by Crane Transportation Group, dated September 7, 2021, includes the applicant's proposal for a Traffic Demand Management (TDM) Plan for reducing vehicle miles traveled. See section XVII. Transportation for additional detail.

The applicant proposes implementing some GHG reduction strategies through a VMT reduction plan which includes employee incentives. The applicant intends to implement further GHG reduction strategies. These include exceeding Title 24 energy efficiency standards with new construction, the installation of water efficient fixtures; designing new construction to achieve low-impact development; the installation of water efficient landscaping; and installation of a green living roof above the tasting room.

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 BAAQMD, the requirements of the California Building Code, and the County's conditions of project approval, impacts are considered less than significant.

Mitigation Measures: None are required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a. The proposed project 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 environments. Impacts would be less than significant.
- c. There are no schools located within one-quarter mile from the proposed winery buildings. According to Google Earth, the nearest school to the project site is the Foothills Adventist Elementary, located approximately 1.25 miles to the southeast. No impacts would occur.
- d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.
- e. No impact would occur as the project site is not located within an airport land use plan.
- f. The proposed access driveway improvements and on-site circulation configuration meets Napa County Road and Street Standards. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. Therefore, the proposed project would not obstruct emergency vehicle access and impacts would be less than significant.
- g. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The proposed driveway improvements would provide adequate access to Crystal Springs Road. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts would be less than significant.

Mitigation Measures: None are required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:
- i) result in substantial erosion or siltation on- or off-site?
 - ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
 - iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
 - iv) impede or redirect flood flows?
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Discussion:

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

In March 2022, Governor Newsom enacted Executive Order N-7-22, which requires prior to approval of a new groundwater well (or approval of an alteration to an existing well) in a basin subject to the Sustainable Groundwater Management Act and that is classified as medium- or high-priority, obtaining written verification from the GSA (Groundwater Sustainability Agency) managing the basin that groundwater extraction would not be inconsistent with any sustainable groundwater management program established in any applicable GSP (Groundwater Sustainability Plan) and would not decrease the likelihood of achieving sustainability goals for the basin covered by a GSP, or that it is determined first that extraction of groundwater from the new/proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. Because the project contains existing wells which are not being altered, Executive Order N-7-22 does not apply.

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

- a. As discussed in Section VII. Geology and Soils an Onsite Wastewater Disposal Feasibility Study, dated December 7, 2021, was prepared by Applied Civil Engineering, details the proposed wastewater system to accommodate the proposed wine production, number of employees, and visitation program. 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, conditions that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required. Impacts would be less than significant. Additionally, water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. Impacts would be less than significant.
- b. A Water Availability Analysis was prepared by Richard C. Slade & Associates LLC (RCS), dated March 5, 2021 and a subsequent addendum was prepared by RCS, dated October 4, 2022. As directed by the County Water Availability Guidelines (May 2015) the report includes a 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.

The Tier 1 analysis considered existing use onsite to include the previously existing fire-destroyed single-family residence, residential

pool, and vineyard irrigation. The existing (pre-fire) groundwater usage is estimated at 2.6 af/yr. The proposed new project would increase groundwater use by 0.472 af/yr resulting in an overall water usage of 3.0 af/yr.

Source of Demand	Existing (acre-ft.)	Proposed (acre-ft.)	Difference (acre-ft.)
Primary Residence	0.75	0	-0.75
Pool	0.1	0	-0.1
Vineyard	1.710	1.605	-.105
Process Water	0	0.645	0.645
Domestic & Landscaping	0	0.5	0.5
Employees	0	0.156	0.156
Tasting Room Visitation	0	0.094	0.094
Events and Marketing, with onsite catering	0	0.032	0.032
Total	2.6	3.0	+0.472

Due to the parcel location outside of the GSA boundary, a parcel specific recharge calculation was prepared. In calculating the recharge for the 16.9-acre parcel, the analysis included a conservative approach that removed 6.4-acres of the hillside portion of the site due to steep slopes. In areas where slopes exceeded 30%, rainfall predominantly runs off the natural grade and is not able to percolate into the groundwater aquifer. Portions of the subject parcel that includes slopes less than 30% is approximately 10.5-acres. This acreage was used as the recharge area. 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. Sonoma Volcanics are the primary water bearing geological formation the in the location of the parcel. The WAA estimated that 14% of the average rainfall that occurs within the watershed is estimated to be able to deep percolate as groundwater recharge. The analysis used the PRISM data aggregated from 29 years of recorded data. The average annual rainfall collected over this time period is reported to be 38.3-inches per year. After conservatively removing the portions of the parcel with 30% or greater slope, the estimated parcel specific recharge rate is 5.4 af/yr, which is above the proposed groundwater use of 3.0 af/yr. The proposed water use would not impact groundwater availability.

Per the WAA Guidance (adopted May 12, 2015) Document (The County’s WAA), a Tier 2 analysis was performed to analyze neighboring well interference on one off-site well (Neighbor Well) located within 500 feet of the project well (drilled January 2023). The project well is located on the northwestern portion of the property, at the base of the site’s hillside. To calculate the theoretical amount of water level drawdown interference that might possibly be induced in the offsite Neighbor Well by the future pumping of the project well, and to satisfy Tier 2 requirements, RCS performed a predictive simulation of the potential (theoretical) water level drawdowns that might occur in the region due to future pumping by the project well.

Using aquifer data derived from a July 13, 2022 aquifer test, a “Theoretical Drawdown Calculations, Predictive Simulation” was prepared to show the theoretically-calculated water level drawdown values in the Neighbor Well that might occur after pumping the project well for a continuous period of eight hours at a constant pumping rate of 50.4 gpm. The simulation estimates that water interference declines in the Neighbor Well are expected to be less than one foot after two hours of pumping at the project well, and less than two feet after eight hours of pumping at the project well. The calculated theoretical water level drawdown interference values for the Neighbor Well are below the acceptable values defined in the “Default Well Interference Criteria” shown on Table F-1 of the County WAA. The drawdown criteria in the WAA demonstrates that water level drawdown interference is not considered significant if the included drawdown interference is less than 15 feet for offsite wells that have a casing diameter greater than six inches (the casing diameter of the Neighbor Well is eight inches).

Per the County’s WAA, a Tier 3 analysis was performed to evaluate potential groundwater to surface water interaction. The project well is approximately 300 feet from Bell Creek, which traverses the northwest corner of the subject property. Bell Creek is a designated Significant Stream. According to the RCS Report, the project well has a cement sanitary seal that is as deep as, or deeper, than the interpreted bottom-depth of the quaternary alluvium in the area, the same alluvium across which both branches of Bell Creek flows. These cement seals prevent surficial water (if any) from entering the upper portions of the well. In addition, the shallowest perforations in the project well is at a depth of 160 ft below ground surface, and derives water from the volcanic rocks. Hence, groundwater pumped from the project well originates from the fractures and/or pore spaces in the volcanic earth materials at and below the depth of the upper perforations in the well. The significant elevation difference between the water level elevations in the well and the surfaces of the stream channels is significant evidence to support the assertion that the well is not hydraulically connected to Bell Creek. Due to these factors, the project well is not in direct hydraulic connection with Bell Creek.

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). As disclosed and assessed in this Initial Study/Mitigated Negative Declaration and the WAA, the County concludes that no harm to (or less-than-significant impacts on) public trust resources would result from the proposed project.

The project’s impact on Bell Creek (significant stream) is anticipated to be avoided by establishing buffers and setbacks in compliance with County requirements for minimum setbacks. The project design complies with designated stream setbacks established by the Napa County Conservation Regulations and County Code Section 18.108.025. Additionally, the conclusions of the RCS Report demonstrates that there is no groundwater – surface water connection.

- c/d. All proposed work would take place on flat areas of prior disturbance. The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a building permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. The parcel is not located in an area that is known to be subject to inundation by tsunamis, seiches, or mudflows. Impacts would be less than significant.
- e. As discussed above, the parcel specific groundwater recharge analysis estimated a recharge potential of 5.4 af/yr which exceeds the estimated use of 3.0 af/yr. Although the operational changes would increase water use, the levels are below the expected recharge rate. The project would not result in an impact to water use and would therefore comply with the GSP. Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. No impacts would occur.

Mitigation Measures: None are required.

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

Discussion:

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

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” The property’s General Plan land use designation is AWOS (Agriculture, Watershed, and Open Space), which allows “agriculture, processing of agricultural products, and single-family dwellings.” More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2

recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

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

The General Plan includes two complimentary policies requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None are required

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

Discussion:

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

Mitigation Measures: None are required.

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

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, production space, and caves. 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 eastern winery parking lot is approximately 425 feet to the west and the nearest residence to the eastern winery structure is approximately 480 feet to the east, but also on the opposite side of Crystal Springs Road. Due to this distance, there is a low potential for impacts related to construction noise to result in a significant impact. Further, 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 establish daily visitation, at 28 visitors per day and with a maximum of 120 visitors per week for By Appointment Tours and Tastings. The project also proposes to establish a marketing program as described under Project Description (I). The applicant also proposes to allow for activities in conformity with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB 2004)) on the landscaped patio.

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, wineries, 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 480 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 125 guests, and all events would end by 10:00 p.m., with quiet clean-up conducted afterwards. Winery operations would occur between 6:00 a.m. and 7:00 p.m. (production, excluding harvest) and 10:00 am to 4:00 pm (hospitality). 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.

“4.10 AMPLIFIED MUSIC

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

Illingworth & Rodkin prepared a March 1, 2022, Noise and Vibration Assessment for the proposed project.

- Mechanical Equipment: Mechanical equipment associated with the project would generally be located within winery buildings and caves. This equipment includes an electric fire pump, water processing equipment, air compressors and chillers. A generator is proposed to be installed outside, but operations will be during emergencies. Mechanical equipment, such as refrigeration equipment required for production, would be located a minimum of 480 feet from the nearest residential outdoor use areas. The sound pressure level resulting from full-load operation is calculated to be 40 dBA L50 or less, which would not exceed the 50 dBA L50 daytime noise limit or 45 L50 nighttime noise limit established by Napa County. Other receptors in the

project vicinity would be further from the mechanical equipment, and therefore, exposed to lower levels of noise.

- **Maintenance and Forklift Operations:** Since maintenance and forklift operations would be located a minimum of 480 feet from the nearest residential outdoor use area (R2), the sound pressure level resulting from these activities is calculated to be 47 dBA L25 or less, which would not exceed the 55 dBA L25 daytime noise limit or the 50 dBA L25 nighttime noise limit. Other receptors in the project vicinity would be farther from the maintenance and forklift operations, and therefore, exposed to lower levels of noise.
- **Bottling Activities:** Bottling would occur over a period of a few weeks per year during the daytime. The analysis conservatively assumes that bottling will be done with a mobile bottling truck at the covered outdoor work area approximately 480 feet from the closest portion of the residential outdoor use area of R2. At the closest residential outdoor use area, bottling noise levels are calculated to be 47 dBA L50 or less, and would not exceed the 50 dBA L50 noise limit.
- **Seasonal Crush Activities:** Crush activities typically occur for a period of about six to eight weeks per year; however, such activities would not occur on a daily basis during this timeframe and are expected to primarily occur within the winery building and the covered outdoor work area on the northwest end of the building. Average noise levels resulting from crush activities are typically constant on an hourly basis, producing average noise levels of 64 dBA L50 and discrete maximum noise events of 70 to 80 dBA Lmax at 50 feet from the center of operations assuming unshielded conditions. Such activities would occur approximately 480 feet from the closest portion of the residential outdoor use area of R2. At the closest residential outdoor use area, crush noise levels are calculated to be 44 dBA L50 or less, and would not exceed the 50 dBA L50 daytime noise limit or 45 dBA L50 nighttime noise limit.

Noise levels produced by discrete maximum noise events would range from 50 to 70 dBA Lmax at 480 feet (R2) assuming unshielded conditions, which would be less than or equal to the 70 dBA Lmax daytime noise limit and potentially exceed the 65 dBA Lmax nighttime noise limit. Other receptors in the project vicinity would be further from the crushing activities and partially or fully shielded by the intervening winery building, and therefore, exposed to lower level of noise.

- **Tasting and Marketing Activities:** A credible worst-case analysis assumed that events would occur outdoors at the tasting room terrace. Outdoor amplified music is prohibited, so the primary noise source associated with the event would be raised conversations. The acoustic center of the noise produced by marketing events outdoors on the tasting room terrace would be 580 feet from the residence R4, 480 feet from the residence R5, and 440 feet from the residence R6. Receptors R1 to R3 would be shielded by the intervening tasting room building and located approximately 700 feet or more from the tasting room terrace. The predicted noise level from marketing events would be 43 to 45 dBA L50 at the nearest, unshielded residential areas of R4, R5, and R6, which would not exceed the daytime noise level threshold of 45 dBA L50 (corrected for the character of sound). Noise levels produced by wine and food pairing events or daily tastings would reach 36 to 38 dBA L50 at the nearest residences (R4, R5, and R6) and would also remain below the daytime noise level threshold of 45 dBA L50. There would be no prohibitions on events held inside the building, or within the wine cave, provided that doors and windows remain closed.

Due to the potential for discrete maximum noise events, related to seasonal crush activities, to potentially exceed the 65 dBA Lmax nighttime noise limit, Condition of Approval number 4.20(b) has been added to highlight and reiterate that the proposed project would be subject to Napa County noise standards, which do not support noises in excess of 65 dBA before 7:00 am. Adherence to Napa County Code would result in less than significant impacts.

The proposed project would not result in long-term significant permanent noise impacts.

- c. The project site is not located within the influence area of the Napa County Airport, according to the Airport Land Use Compatibility Plan. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

The Association of Bay Area Governments’ Projections 2003 figures indicate that the total population of Napa County is projected to increase some 23% by the year 2030 (Napa County Baseline Data Report, November 30, 2005). Additionally, the County’s Baseline Data Report indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15%. The four additional employees which are part of this project could lead to minor population growth in Napa County. Relative to the County’s projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County’s housing impact mitigation fee, which provides funding to meet local housing needs. Cumulative impacts on the local and regional population and housing balance would be less than significant.

The proposed project does not require installation of any additional, new infrastructure, including that which might induce growth by extending services outside of the boundaries of the subject site or increasing the capacity of any existing roadway. Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement). The fees are assessed with new construction and are collected at time of building permit issuance for new construction of winery buildings.

Five (5) full-time employees, two (2) part-time employees and two (2) seasonal employees are requested as part of the project for a total maximum of nine (9) employees. 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.

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

b. Prior to the 2020 Glass Fire there was an existing single-family residence on the project parcel that would have been demolished as a function of the project. There is no existing housing on the property. Therefore, the project would not displace substantial numbers of existing housing or numbers of people necessitating the construction of replacement housing elsewhere and no impact would occur.

Mitigation Measures: None are required

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

Discussion:

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 Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire Department and Engineering Services Division have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

Mitigation Measures: None are required

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

Discussion:

- a. The project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.
- b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit application. The proposed

project would have no impact.

Mitigation Measures: None are required.

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

Discussion:

- a. As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. Existing pedestrian and transit facilities serving the site are limited, though given the rural location of the project site and anticipated demand for these modes, this is considered an acceptable condition. There is an existing Class II bike lane on Silverado Trail and along with the shared use of Crystal Springs Road with motorist there is adequate access for bicyclists. The project has been conditioned by the Napa County Public Works Department to provide bicycle parking spots to provide for adequate bicycle storage, as recommended in the project's Traffic Impact Study (September 7, 2021). CalFire and Engineering divisions have reviewed the proposed plans for access and circulation and found them to be in compliance with the Napa County Road and Street Standards.
- b. The date of analysis for the project's Traffic Impact Study predates the establishment of Napa County thresholds of significance related to Vehicle Miles Traveled (VMT) and guidance documents. The Traffic Impact Study assessed VMT based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of the screening criteria pertains to small projects, which OPR defines as generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and should take into consideration seasonal fluctuations. The proposed project is anticipated to result in 63 new daily vehicle trips on harvest Friday and 60 new daily vehicle trips on a non-harvest Friday. Since this is below the small project threshold of 110 trips, it is reasonable to conclude that the project can be presumed to have a less than significant impact on VMT. Impacts would be less than significant.
- c/d. The proposed project does not contain any incompatible uses. The project's Traffic Impact Study found that the creation of trips to the proposed project did not trigger a Left Turn Lane Warrant on the northbound Crystal Springs approach to the project driveways. The proposed driveways create a looped flow across the parcel. Driveway one acts as an entrance and quicker exit option for the parking lot. The second driveway is a one-way exit that begins at the parking lot, runs across the front of the outdoor tasting areas, and exits on Crystal Springs Rd. This second entrance allows for larger trucks and shuttles to easily flow through the parcel. As contained in the TIS collisions analysis, there were two collisions reported on Crystal Springs Road to Deer Park Road during the five-year study period between January 2014 and 2019. One accident was caused by unsafe speed and one due to an improper turn.

Crystal Springs Road ranges in width from about 16 to 24 feet north of the Winery, and from about 12 to 18 feet south of the Winery.

TRANS-1 has been implemented in order to minimize project traffic along the narrower sections of Crystal Springs Road (which are mostly south of the winery). All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Crystal Springs Road can be accessed through a northern and southern (via Deer Park Road) connection to Silverado Trail; therefore, will be sited with adequate emergency access.

- e. The 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 11 parking spaces (with one designated for ADA drivers). Visitors to the Winery will be by appointment only. On a busy day, the 28 visitors (10 to 11) daily vehicles) will arrive in a staggered arrangement so that there should never be more than 3 to 4 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 4 to 9 employees per day would then occupy the remaining spaces.

When larger marketing events are held, excess parking will be accommodated along the winery access road and along vineyard roads. The winery will utilize valet parking for these events in addition to the services of small shuttle buses or vans for some groups of visitors. Shuttle buses will bring visitors from their hotels or other areas where there are legally established parking areas. Internal circulation design (roadway & parking dimensions/parking spaces, turnaround areas and radii for emergency vehicle and large truck movements) will meet all County and CAL Fire design criteria. Impacts would be less than significant.

Mitigation Measures:

MM TRANS-1: All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060.

Method of Monitoring: Prior to the issuance of building permits for any winery structure, a sign plan shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval. Prior to obtaining final occupancy for any winery related structures, directional signs shall be installed and copies of promotional information with driving directions shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval, subject to NCC Section 18.116.055 and 18.116.060.

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

Discussion:

- a/b. On March 12, 2020, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. The Yocha Dehe Wintun Nation responded by mail to Staff on March 16, 2020, and declined comment as the project site is not located within their aboriginal territories. On March 26, 2020, the Middletown Rancheria contacted Staff by email, informing them that this project does fall within their Area of Concern and requesting copies of the project's Cultural Resource study, proposed plans, and other applicable documents. Subsequent to their review of the documents the tribe contacted Staff on April 17, 2020, informing staff that the tribe was comfortable with the project moving forward due to the involvement of the Mishewal-Wappo Tribe of Alexander Valley and that they would not be requesting tribal consultation under AB 52. No other responses were received within 30-days of the tribe's receipt of the invitations.

Investigations of historical site P-28-001648, delineated primarily within the existing vineyard, found that this portion of the site is marked by obsidian debitage and a few obsidian tools. The site appears to be a task-specific site where obsidian was deduced for transport. Obsidian hydration dating indicates that the site was used for nearly 7,500 years, most intensively between AD 330 and 4680 BC. Tom Origer & Associate's research concluded that there is no separation between P-28-001648 and "Meg's Crown" site, an obsidian quarry.

Site P-28-001648 does not meet California Register Criterion 1 through 3. This site does meet California Register Criterion 4, which fits includes sites that have yielded, or may be likely to yield, information important to the prehistory or history of the local area, California, or the nation. The site provided data that added to our understanding of regional research domains. The quantity of debitage and variety of material shed light on the phases of tool manufacturing that took place at the site. This is evident by the amount of debitage discarded. Exchange and intergroup contacts were addressed through the analysis of obsidian sources and obsidian hydration dating. Having met Criterion 4, Tom Origer & Associates states that it is unlikely that this portion of the site would yield new information if further work was conducted. Their team has conducted testing and analysis to evaluate the significance of the finds and have determined that no further archeological work, testing, or data recovery is necessary for site P-28-001648. Tom Origer & Associate's study primarily researched site P-28-001648 and referenced that due to limited knowledge of "Meg's Crown" site, additional review should occur to determine the potential significance of the site. Grading is proposed within "Meg's Crown" site; therefore, integrity, or the ability for the resource to convey significance under Criterion 4 of the CRHR, is a potential issue that warrants further investigation. Due to the presence of a potentially significant prehistoric resource within the project area, Mitigation Measure **CUL-1** requires further investigations of the development areas prior to issuance of grading, demolition or building permits. Mitigation Measure **CUL-2** requires archeological monitoring during ground disturbing activities.

Mitigation Measures: Refer to Section V. Cultural Resources for proposed mitigation.

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

Discussion:

a. As discussed in detail in Section VII. Geology and Soils, a Wastewater Feasibility Study, dated December 7, 2021, was prepared by Applied Civil Engineering. Two options are currently proposed for the winery's sanitary wastewater and process water systems. The Water Feasibility Study reviews both a combined sanitary and process wastewater subsurface drip disposal field system (option 1) and a sanitary wastewater subsurface drip disposal field and process wastewater system for irrigation (option 2).

With the first option, the combined sanitary and process wastewater subsurface drip disposal field system, both the sanitary and process wastewater from the winery would be pretreated in a single pretreatment system and disposed of in a subsurface drip type septic system. The proposed system would require a 2,600 square foot subsurface drip disposal field, to be located southeast of the proposed winery. With the second option, the sanitary wastewater subsurface drip disposal field and process wastewater treatment system for irrigation,

the sanitary wastewater is being disposed of in a subsurface drip system, but the winery process wastewater would be collected separately, pretreated, stored and dispersed of via a surface irrigation system. This system would require a smaller subsurface drip disposal field because the system only includes sanitary wastewater.

The process waste system will be designed per RWQCB and PBES 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, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required.

Based on the proposed uses, the onsite public water system will be classified as a transient noncommunity (TNC) public water system per the State of California Drinking Water Requirements. Additionally, the applicant proposes installing water storage underground within the southeastern portion of the cave system. The proposed water tanks within the cave system will be used for fire suppression. Impacts will be less than significant.

- b. As discussed in Section X. A Water Availability Analysis was prepared by Applied Civil Engineering, dated March 5, 2021 with a October 4, 2022 addendum. 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 single-family residence (fire-destroyed), residential pool, and vineyards is estimated to be 2.6 af/yr. Due to the proposed project, total water usage would increase to 3.0 af/yr. Overall, the project would result in an increased water usage of 0.472 af/yr. The preparation of a groundwater recharge analysis utilized the PRISM data set across the past 29 years. The recharge was estimated to be 5.4 af/yr. This is greater than the proposed use of 3 af/yr. The proposed water use would not 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 Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have more than sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

- a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The existing driveway and proposed project will be designed and improved to meet commercial standards as defined in the Napa County Road and Street Standards (RSS). Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the proposed project. The new buildings and cave would be equipped with sprinklers and fire suppression

equipment as required by the CA building Code. No impacts would occur.

- b. The proposed project is located within a high fire hazard severity zone and in the State Responsibility (SRA) district. The proposed project’s driveway runs across the site and through an existing vineyard, which is situated on slopes ranging from 0-5%. The driveway gains access from Crystal Springs Road, which can provide access to both Silverado Trail and Sanitarium Road. The flat vineyard section quickly gains elevation with slopes greater than 30%. The majority of the proposed winery will be located underground, within a cave system, and will not physically change the hillside. 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 to meet County RSS. As discussed in Section XIX. Utilities and Service Systems, the project proposes an underground water storage tank/cave for winery process and potable uses, irrigation, and fire protection. The underground water storage tank/cave will be installed on the western ends of the proposed winery facility. 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 a vineyard, at the base of a hillside, and predominantly within a proposed cave. The proposed project includes work to restore the surrounding area, including the establishment of native vegetation that will work to stabilize fire damaged hillsides and reduce potential erosion. The proposed project would not physically alter the site in a way, which would expose people or structure to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

- a. 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. Mitigation measure **BIO-1** requires the applicant to obtain a preconstruction nesting bird survey to minimize impacts associated with construction related activities to the Northern Spotted Owl and Raptor species. Development and ground disturbance activities associated with the proposed project are primarily in areas where previous disturbance has taken place. Mitigation measure **BIO-2** requires the applicant to obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the Regional Water Quality Control Board, and a 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife or demonstrate that the appropriate agencies have determined that associated applications are not required prior to the issuance of building permits. Additionally, **BIO-3** requires that vineyard fencing shall be restricted to the vineyard blocks and winery development area, west of Bell Creek. No fencing should be installed more than 500 feet south of the existing manmade drainage on-site to ensure that there is no potential for habitat fragmentation.

As identified in Section V. Cultural Resources, the parcel is located in an area that has been surveyed and found to contain archaeological resources. Mitigation measures **CUL-1** & **CUL-2** have been proposed to reduce any potential impacts to the major periods of California's history and prehistory to below a level of significance. Impacts are anticipated to be less than significant.

- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to air quality, greenhouse gas emissions, hydrology, and traffic are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in Section VIII. Green House Gas and Section XVII. Transportation, potential impacts to air pollution and GHG emissions are being addressed through meeting BAAQMD recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, and VMT reduction strategies. The applicant intends to implement a number of greenhouse gas reduction strategies including exceeding Title 24 energy efficiency standards, installation of water efficient fixtures, employing low-impact development practices, installation water efficient landscaping, and installing a green living roof above the tasting room. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would result in an increase of 0.472 af/yr over the existing levels. The Traffic Impact Study detailed in Section XVII. Transportation concluded that the proposed project would not have significant impacts on the County roadway system. Mitigation measure **TRANS-1** has been proposed to reduce traffic on a narrower portion of Crystal Springs Road. The project includes appointment of a TDM Coordinator and TDM program to implement operational procedures to reduce daily and overall trips and resulting vehicle miles traveled. All records of the TDM activities will be kept and provided to the County as required. Potential cumulative impacts would be less than significant.
- c. All potential impacts identified in this Negative Declaration are less than significant with the exception of Cultural Resources, for which Mitigation measure are proposed. The impacts to Cultural Resources identified in this Negative Declaration are not expected to cause substantial adverse effects on human beings and the impacts can be mitigated to a less than significant impact with the implementation of Mitigation Measures **CUL-1** and **CUL-2**. 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.



Contact Us

Emergency? **Call 911** Translate Settings



Search incidents and safety information

Home > Incidents > Glass Fire

SEARCH

Glass Fire

100% Contained | 67,484 Acres | 2 Counties: Napa, Sonoma



Map data © OpenStreetMap contributors, CC-BY-SA

Powered by Esri

<p>Last Updated 10/21/2022 1:37 PM</p>	<p>Date Started 09/27/2020 8:48 AM</p>
<p>Date Contained 10/20/2020 11:00 AM (Active for 23 days)</p>	<p>Location Information North Fork Crystal Springs Rd & Crystal Springs Rd</p>
<p>Latitude / Longitude [38.56295,-122.49745]</p>	<p>Admin Unit Unified Command: CAL FIRE Sonoma Lake Napa, Sonoma County Sheriff's Office, Napa County Sheriff's Office, Santa Rosa Fire Department and Santa Rosa Police Department.</p>
<p>Cause Under Investigation</p>	<p>Reports Prior status reports</p>

Resources Assigned

185 Personnel	0 Helicopters	10 Engines	10 Dozers	7 Water Tenders	2 Crews
-------------------------	-------------------------	----------------------	---------------------	---------------------------	-------------------

282 Structures Damaged Residential, Commercial and Other	1,528 Structures Destroyed Residential, Commercial and Other
---	---

Damages and Destruction

Confirmed Damage to Property, Injuries, and Fatalities.

Contact Information

Info Line Sonoma County/ Napa County

211

Agency Information

CAL FIRE LNU

[@CALFIRELNU](#)

Cooperating Agencies: Napa County Fire Department, Santa Rosa PD, Santa Rosa FD, Sonoma Valley Fire Authority, Sonoma Fire, City of Calistoga, AMR, BLM, OES, PG&E, CDCR, CHP, CALTRANS, & State Parks



QUICK LINKS

[Current Incidents](#)

[2023 Incidents](#)

[Defensible Space](#)

[Executive Staff](#)

[Resources](#)

[Statistics](#)

[Subscribe to Newsletter](#)

2024 Strategic Plan

PROGRAMS

Board of Forestry and Fire Protection

Communications

Equal Employment Opportunity

Fire and Resource Assessment Program

Fire Protection

Natural Resource Management

Office of the State Fire Marshal

Professional Standards Program

GRANTS

Business and Workforce Development

California Forest Improvement Program

Forest Health

Forest Legacy

Urban and Community Forestry

Wildfire Prevention

Tribal Wildfire Resilience

Wildfire Resilience

[Back to Top](#) [Accessibility](#) [Language Access](#) [Conditions of Use](#) [Privacy Policy](#) [Site Map](#) [Glossary of Terms](#)

Copyright © 2023 State of California

neopost
01/04/2022

FIRST CLASS MAIL

US POSTAGE \$001.76⁰



ZIP 95453
041M12250277

UPERIOR COURT
COUNTY OF LAKE
255 N. FORBES STREET
EPORT, CALIFORNIA 95453

2100

Andrew Contreiras/Attorney General of Calif
PO Box 85266
San Diego, CA 92101

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

FILED
SUPERIOR COURT
COUNTY OF LAKE
JAN 04 2022

BY YB Krista D LeVier
Yolanda Blum
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LAKE

CENTER FOR BIOLOGICAL DIVERSITY,) Case No. CV421152
)
Petitioner,)

**RULING AND ORDER ON PETITIONS
FOR WRIT OF MANDATE**

PEOPLE OF THE STATE OF CALIFORNIA,)
EX. REL, ATTORNEY GENERAL ROB)
BONTA,)
)
Petitioner-Intervenor,)

v.)

COUNTY OF LAKE, BOARD OF)
SUPERVISORS OF THE COUNTY OF)
LAKE; and DOES 1 through 20,)
)
Respondents.)

LOTUSLAND INVESTMENT HOLDINGS,)
INC.; and DOES 21 through 40,)
)
Real Parties in Interest.)

///

RULING AND ORDER ON PETITIONS FOR WRIT OF MANDATE

SCANNED

1 **Ruling**

2 **I. Introduction.**

3 The Court's obligation in this case is to answer the following questions:

- 4 1. Was there substantial evidence to support the County's decision?
5 2. Did the County fail to proceed in the manner required by law?

6 (Pub. Res. Code §§ 21168, 21168.5.)

7 In answering the first question, the Court "must indulge all reasonable inferences
8 from the evidence that would support the agency's determinations and resolve all
9 conflicts in the evidence in favor of the agency's decision." (*Save Our Peninsula*
10 *Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 117.) "A
11 court may not set aside an agency's approval of an EIR [Environmental Impact Report]
12 on the ground that an opposite conclusion would have been equally or more reasonable."
13 (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47
14 Cal.3d 376, 393.)

15 In answering the second question, the Court must determine if the County
16 substantially complied with the procedural requirements of the California Environmental
17 Quality Act (CEQA). (Practice Under the California Environmental Quality Act (2d ed. Cal
18 CEB) § 23.35.) While a court may find noncompliance with CEQA requirements to be a
19 prejudicial abuse of discretion, there is no presumption that such an error is prejudicial.
20 (Pub. Res. Code § 21005(b).) In determining whether a failure to comply with CEQA is
21 prejudicial, a court does not determine whether a different outcome would have resulted.
22 (Pub. Res. Code § 21005(a).)

23 ///

24 ///

1 **II. Wildfire Risk.**

2 **A. Compression of Mitigation Measures Into the Project.**

3 When an EIR incorporates mitigation measures into the project description, then
4 concludes that the project has no significant impact, the failure to separately identify
5 significant impacts and analyze the mitigation measures violates CEQA. (*Lotus v.*
6 *Department of Transportation* (2014) 223 Cal.App.4th 645.) This is because by doing so,
7 an EIR “precludes both identification of potential environmental consequences arising
8 from the project and also thoughtful analysis of the sufficiency of measures to mitigate
9 those consequences.” (*Id.* at p. 658.)

10 *Lotus v. Department of Transportation, supra*, involved a highway construction
11 project through an old growth redwood forest. A portion of the construction was planned
12 to occur within the structural root zone of a number of trees. The EIR described
13 measures that “have been incorporated into the project to avoid and minimize impacts as
14 well as to mitigate expected impacts.” (*Id.* at p. 650.) Those measures included
15 restorative planting and replanting, invasive plant removal, and use of an arborist and
16 specialized equipment. In the EIR, the agency concluded that “[n]o significant
17 environmental effects are expected as a result of this project with the implementation of
18 the stated special construction techniques.” (*Id.* at p. 651.)

19 In concluding that the EIR violated CEQA by compressing the analysis of impacts
20 and mitigation measures into a single issue, the Court of Appeal explained:

21 The EIR fails to indicate which or even how many protected redwoods will be
22 impacted beyond the tolerances specified in the handbook and, by failing to
23 indicate any significant impacts, fails to make the necessary evaluation and
24 findings concerning the mitigation measures that are proposed. Absent a
determination regarding the significance of the impacts to the root systems of the
old growth redwood trees, it is impossible to determine whether mitigation

1 measures are required or to evaluate whether other more effective measures than
2 those proposed should be considered. Should Caltrans determine that a specific
3 tree or group of trees will be significantly impacted by proposed roadwork, that
4 finding would trigger the need to consider a range of specifically targeted
mitigation measures, including analysis of whether the project itself could be

5 (*Id.* at p. 656.)

6 In that case, the measures contained within the project were designed to mitigate
7 the impacts to the health of the trees caused by the construction. The measures at issue
8 were “plainly mitigation measures and not part of the project itself.” (*Id.* at p. 656, fn. 8.)
9 The failure to classify those measures as mitigation measures prevented those reviewing
10 the EIR from determining the significance of the impact the construction would have on
11 the health of the trees. (*Id.* at pp. 656-658.)

12 In the instant case, Petitioners¹ argue certain design elements included in the
13 Wildfire Prevention Plan (WPP), including those relating to relating to vegetation
14 management and firebreaks, were misclassified as part of the Project rather than
15 mitigation measures. Although certain actions such as vegetation management and
16 maintenance of the firebreaks will continue well after the Project is built, those
17 components of the WPP are properly classified as part of the Project itself. This is
18 because those measures, unlike the measures in *Lotus v. Department of Transportation*,
19 *supra*, are not designed to rectify the impacts to the environment caused by the Project.
20 None of the challenged design elements are meant to repair, rehabilitate or restore the
21 impacted environment. Instead, they are part of the design of the Project meant to avoid

22
23 _____
¹ Petitioners includes Intervenor/Petitioner unless otherwise stated.

1 impacts to the environment in the first place. Accordingly, the Court concludes all of the
2 components of the WPP, including vegetation management and maintenance of the
3 firebreaks, are not mitigation measures improperly misclassified as Project components.
4 Instead, they are part of the Project itself.

5 **B. Adequacy of Analysis of Wildfire Risk.**

6 Petitioners find fault with the EIR's analysis of the wildfire risk and the
7 methodology used to analyze that risk. Although the analysis could have been more
8 thorough and better methodologies could have been used, "challenges to the scope of an
9 EIR's analysis, the methodology used, or the reliability or accuracy of the data underlying
10 an analysis, must be rejected unless the agency's reasons for proceeding as it did are
11 clearly inadequate or unsupported." (*Chico Advocates for a Responsible Economy v. City*
12 *of Chico* (2019) 40 Cal.App.5th 839, 851.) The EIR's analysis of the Project's impacts on
13 wildfire risk was extensive and specific to both the Project and its location. Without
14 rehashing the evidence contained in the record, the Court concludes substantial evidence
15 supports the County's findings regarding the Project's impact on wildfire risks, with one
16 exception which will be discussed in the following section.

17 **C. Impacts on Emergency Evacuation Routes.**

18 In its briefing, Real Party differentiated project evacuation routes from
19 community or area-wide evacuation routes. The Court agrees that analysis of the
20 Project's evacuation routes are a "reverse CEQA" issue and need not be addressed in
21 the EIR. The Project's impacts to community evacuation routes, however, must be
22 analyzed in the EIR.

1 In *California Building Industry Assoc. v. Bay Area Air Quality Management Dist.*
2 (2015) 62 Cal.4th 369, at issue was an agency’s thresholds of significance for certain air
3 pollutants which required project proponents to evaluate how existing air pollution would
4 affect individuals within the proposed project. The Supreme Court concluded, “CEQA
5 generally does not require an analysis of how existing environmental conditions will
6 impact a projects future users or residents.” (*Id.* at p. 386.) CEQA does, however, require
7 an analysis of a “project’s potentially significant *exacerbating* effects on existing
8 environmental hazards – effects that arise because the project brings ‘development and
9 people into the area affected.’” (*Id.* at p. 388; italics in original.) The Supreme Court
10 explained an “EIR should evaluate any potentially significant impacts of locating
11 development in other areas susceptible to hazardous conditions (e.g., floodplains,
12 coastlines, wildfire risk areas).” (*Ibid.*)

13 *Newton Preservation Society v. County of El Dorado* (2021) 65 Cal.App.5th 771,
14 involved a bridge construction project where project opponents, many of whom were
15 residents, alleged the project would have a significant impact on evacuation. The Court of
16 Appeal held the evidence presented in that case did not “support a fair argument that the
17 project may have a significant impact on the environment or may exacerbate existing
18 environmental hazards.” (*Id.* at p. 792.) The court determined the comments offered in
19 opposition to the project “lacked factual foundation and failed to contradict the
20 conclusions by agencies with expertise in wildfire evacuations with *specific* facts calling
21 into question the underlying assumptions of their opinions as it pertained to the project’s
22 potential environmental impacts.” (*Id.* at p. 791, italics in original.)

1 Real Party is correct that analysis of community evacuation is not required unless
2 the project might exacerbate existing environmental hazards. (Real Party in Interest
3 Lotusland Investment Holding, Inc.'s Supplemental Brief Re: Evacuation filed November
4 19, 2021, (Real Party's Supplemental Brief), p. 7:7-9.). Here, unlike the case in *Newton*,
5 *supra*, there is evidence that the Project might exacerbate existing environmental
6 hazards. As pointed out by Petitioners Center for Biological Diversity (CBD) and
7 California Native Plant Society (CNPS), a significant number of wildfire related deaths in
8 California occur during attempts to evacuate. (Petitioners' Opening Brief filed June 15,
9 2021, pp, 19:26-20:4.) The hazards of a wildfire are certainly exacerbated if community
10 residents are unable to evacuate safely due to congested evacuation routes. It is
11 estimated that the Project will bring 4,070 residents to the area. (AR 6612.) This is a
12 significant population increase when considering the Project is located in Lake County
13 Census Tracts 12 and 13 which had an estimated combined population of 10,163 in
14 2017. (AR 6608.) If a wildfire occurs, the Project's residents will need to evacuate. These
15 people will likely compete with residents in the surrounding area for safe evacuation
16 routes. The additional people competing for the same limited routes can cause
17 congestion and delay in evacuation, resulting in increased wildfire related deaths. This is
18 undoubtedly a situation where the Project, by bringing a significant number of people into
19 the area, may significantly exacerbate existing environmental hazards; specifically,
20 wildfires and their associated risks. Therefore, this is an issue that is required to be
21 addressed under CEQA.

22 The County concluded the impacts to existing emergency evacuation plans would
23 be less than significant. (AR 6746.) The evidence supporting this conclusion are
24

1 comprised primarily of opinions from traffic engineers and fire and law enforcement
2 personnel. (Real Party's Supplemental Brief, p. 8:2-8; AR 42594-42595; 53739-53740.)
3 Those opinions were not based on any identifiable facts.

4 There are two problems with this evidence. First, this evidence primarily addresses
5 the issue of whether the Project's residents could safely leave the Project in the event of
6 a wildfire. This evidence does not focus on the issue that is required to be addressed by
7 CEQA; whether evacuation of the residents in the nearby area would be affected by the
8 evacuation of the Project's residents during a wildfire.

9 Second, this evidence cannot be considered substantial evidence. Substantial
10 evidence includes "expert opinion supported by facts." (14 CCR §15384(b).)
11 Unsubstantiated opinion does not constitute substantial evidence. (14 CCR §15384(a).)
12 The conclusion reached by the County as it relates to emergency evacuation plans is
13 based on unsubstantiated expert opinions. This evidence is legally insufficient to qualify
14 as substantial evidence under CEQA.

15 Because the County's findings regarding community emergency evacuation routes
16 are not supported by substantial evidence, the EIR does not comply with CEQA.

17 **III. Carbon Credit Program².**

18 Petitioners argue the carbon credit program is ineffective as a mitigation measure
19 because it does not include sufficient safeguards to ensure offsets are real, permanent,
20 verifiable and enforceable. (*Golden Door Properties, LLC v. County of San Diego* (2020)
21 50 Cal.App.5th 467, 506-507.)

22
23 ² The carbon credit program was discussed by the parties under the broader topic of climate impacts and GHG
24 mitigation measures. Also discussed was the transportation demand management plan (TDM). The Court concludes

1 Here, the carbon credit program was added through an errata to the Final EIR
2 after the public comment period had closed. The County explained:

3 Also we added a mitigation requiring the purchase of greenhouse gas carbon
4 credits to offset the project's remaining greenhouse gas emissions that are above
5 and beyond the stated thresholds in the EIR. However, the EIR's conclusion of a
6 significant, unavoidable greenhouse gas impact would not change, given the
7 limited supply of carbon offsets and the uncertainty regarding the availability of
8 offset credits throughout the life of the project.

7 (AR42599.)

8 Given the timing of the addition of this measure to the EIR and the comments
9 made by the County, unlike the mitigation measure in *Golden Door Properties, LLC, v.*
10 *County of San Diego, supra*, the carbon credit program here was not a mitigation
11 measure that the County relied upon in making any findings contained in the EIR. In fact,
12 the County described the modifications to the mitigation measures contained in the
13 Errata, which included the addition of the carbon credit program, to be minor and
14 insignificant. (AR 7193.) To the extent this measure did not comply with CEQA, the Court
15 determines it does not constitute prejudicial error because inclusion of the measure did
16 not "deprive[] the public and decision makers of substantial relevant information about
17 the Project's likely adverse impacts." (*Neighbors for Smart Rail v. Exposition Metro Line*
18 *Constr. Auth.* (2013) 57 Cal.4th 439, 463.)

18 **IV. Water Supply.**

19 Petitioners CBD and CNPS take issue with on an off-site groundwater well located
20 within the Collayami Valley Groundwater Basin. Groundwater from on-site wells and
21 surface water sources are expected to supply all of the projects water demands.
22

23 the TDM substantially complies with CEQA. (cf. *City of Hayward v. Trustees of California State University* (2015)
24 242 Cal.App.4th 833, 854-855.)

RULING AND ORDER ON PETITIONS FOR WRIT OF MANDATE

1 (AR6554-6556.) The off-site well would provide non-potable water if required. (AR 6689.)
2 The County determined because of the characteristics of the basin, the potential impacts
3 of drawing water from the well could not be determined. (AR 6558.) The County
4 therefore imposed mitigation measure 3.9-3 which requires the applicant to provide to the
5 County an analysis that defines a safe yield as specified in the measure. It also requires
6 the applicant to submit annual monitoring reports and provide quarterly data for the first
7 five years of use. (AR 6575.) It further mandates the development of a groundwater
8 management plan should the reports show an impact to groundwater levels. (*Id.*) The
9 County found any potential impact would be mitigated to less than substantial when
10 considering this measure. The County's findings regarding the well are supported by
11 substantial evidence. This mitigation measure complies with CEQA.

12 **V. Special Status Plants.**

13 Two appendices attached to the EIR³ provide an in depth analysis and disclosure
14 of special status plants. The County's findings relating to the special status plants are
15 supported by substantial evidence. Which specific plants will be impacted cannot be
16 determined because the exact location of the buildings on the site has not been
17 determined. Mitigation measure MM 3.4-3 is designed to accommodate the uncertainty of
18 the impacts on the plants. It requires pre-construction botanical surveys be conducted by
19 a qualified biologist. If avoidance of a special-status plant is not feasible, compensatory
20 planting or transplanting shall occur. Those plants would be subject to monitoring to
21 ensure success of the plants⁴. (AR 6387-6388.) This mitigation measure complies with

22 _____
³ The appendices are labeled as BRA1 (AR2489-2926) and BRA2 (AR2927-3403).

23 ⁴ These requirements also apply to initial vegetation clearing along proposed roadways. (AR 6387.)

1 CEQA. (cf. *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th
2 899, 943.)

3 **VI. Project Alternatives.**

4 "The wisdom of approving [a] project, a delicate task which requires a balancing of
5 interests, is necessarily left to the sound discretion of the local officials and their
6 constituents who are responsible for such decisions. The law . . . simply requires that
7 those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board*
8 *of Supervisors* (1990) 52 Cal.3d 553, 576.) "[F]easibility' under CEQA encompasses
9 'desirability' to the extent that desirability is based on a reasonable balancing of the
10 relevant economic, environmental, social, and technological factors." (*City of Del Mar v.*
11 *City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

12 Petitioners contend the County's finding of infeasibility of Alternative C was not
13 supported by substantial evidence. With respect to Alternative C, the County concluded,
14 "[G]iven that the Reduced Intensity Alternative would result in significantly fewer
15 economic benefits, the County finds that the Reduced Intensity Alternative does not
16 warrant approval in lieu of the Proposed Project." Economic benefits are key goals of the
17 project. The stated project objectives included economic growth, expanding high-end
18 hospitality and construction employment opportunities, and increasing revenues for the
19 County. (AR 6769.) Alternative C would restrict the overall luxury market resort and
20 residential community appeal; reduce revenues and workforce; and reduce marketability
21 to investors, buyers and consumers in the high-end luxury resort market. (AR 53789-

1 53791.) The evidence supports the conclusion that Alternative C would result in fewer
2 economic benefits to the County.⁵

3 Intervenor suggests the County should have considered alternative locations
4 closer to a transit stop because GHG emissions would have been reduced in such a
5 location.⁶ The Project consists of high-end residential, resort, and recreational facilities. It
6 is speculative to conclude consumers of the project will travel from out of the area by
7 public transit.

8 "It is [the petitioner]'s burden to demonstrate inadequacy of the EIR. [A petitioner]
9 must therefore show the agency failed to satisfy its burden of identifying and analyzing
10 one or more potentially feasible alternatives. [A petitioner] may not simply claim the
11 agency failed to present an adequate range of alternatives and then sit back and force
12 the agency to prove it wrong." *Mount Shasta Bioregional Ecology Center v. County of*
13 *Siskiyou* (2012) 210 Cal.App.4th 184, 199.) Here, Intervenor "make[s] no attempt to
14 show how such an alternative would have met most of the goals of the Project, would
15 have been potentially feasible under the circumstances, or would have reduced overall
16 environmental impacts of the Project." (*Ibid.*)

17 The County properly considered and rejected potential alternatives.

18 **VII. Recirculation of the EIR.**

19 Recirculation of an EIR is not required when the changes merely clarify, amplify
20

21 ⁵ Intervenor's position is that Alternative C was found infeasible based on the applicant's expectation of reduced
22 revenues. (Intervenor People of the State of California's Opening Brief filed June 15, 2021 (People's Opening Brief),
p. 35:4-6.) This interpretation is not supported by the language of the EIR as a whole. It is the economic benefits to the
County, not the applicant, that was the driving force behind the County rejecting Alternative C.

23 ⁶ People's Opening Brief, pp. 32:22-33:1.
24

1 or make insignificant modifications to an EIR. (*Laurel Heights Improvement Association v.*
2 *Regents of University of California (Laurel Heights II)* (1993) 6 Cal.4th 1112, 1130.) The
3 County found the Errata contained minor edits and clarifications which did not constitute
4 significant new information that deprived the public of a meaningful opportunity to
5 comment upon a substantial impact resulting from the Project or a mitigation measure.
6 (AR 7193.) This determination is required to be upheld if supported by substantial
7 evidence. (*Laurel Heights II, supra*, at p. 1135.) Reasonable doubts are to be resolved in
8 favor of the agency's decision. (*Ibid.*)

9 The EIR's analysis of the Project's impacts on wildfire risk was extensive. The
10 County's finding that the EIR did not include any information that showed a substantial
11 increase in the severity of the wildfire related impacts is supported by substantial
12 evidence.

13 The Errata did add an additional mitigation measure regarding the purchase of
14 GHG carbon credits. Recirculation is required only if a new mitigation measure is not
15 adopted. (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221
16 Cal.App.4th 316, 330.) The mitigation measure in the Errata was adopted.

17 Based on the County's findings that the Errata contained only clarifications,
18 amplifications and insignificant modifications to the EIR, recirculation of the EIR was not
19 required.

20 **VIII. Other Issues Raised by Petitioners Not Specifically Discussed.**

21 Due to time constraints, the Court has not discussed each and every issue raised
22 by Petitioners. The Court focused on those issues which it considered to be of primary
23 importance in helping the parties to understand the reasons for the Court's ruling. As to
24

1 all other issues raised by Petitioners not specifically discussed herein, the Court has
2 determined all findings made by the County were supported by substantial evidence and
3 the County otherwise substantially complied with the requirements of CEQA.

4 **IX. Timeliness of Intervenor's Claims.**

5 A subsequent pleading may relate back to the original pleading for statute of
6 limitation purposes if it (1) rests on the same general facts as the original; (2) involves the
7 same injury; and (3) refers to the same instrumentality. (*Norgart v. Upjohn Co.* (1999) 21
8 Cal.4th 383, 408.)

9 The timeliness of Intervenor's petition is moot as to all claims denied by the Court.
10 As discussed above, the Court has concluded the EIR was deficient because the
11 County's findings regarding community emergency evacuation routes are not supported
12 by substantial evidence. This issue was addressed by causes of action in the Petitions
13 filed by CBD and CNPS. Therefore, the claim related to this issue was timely filed
14 pursuant to the relation-back doctrine.

15 **X. Conclusion.**

16 Because the County's findings regarding community emergency evacuation routes
17 are not supported by substantial evidence, the EIR does not comply with CEQA. Had the
18 findings regarding emergency evacuation routes been supported by substantial evidence,
19 the Court would have concluded the EIR complied with CEQA and therefore denied each
20 of the Petitions.

21 **Order**

22 The Court orders as follows:

- 23 1. Respondent's and Real Party in Interest's Joint Motion to Augment the
24

1 Administrative Record filed August 17, 2021, is granted. Exhibits A and B attached to the
2 Declaration of Charmaine G. Yu in Support of Respondent's and Real Party in Interest's
3 Joint Motion to Augment the Administrative Record are hereby added to the
4 administrative record in this action.⁷

5 2. The People's Request for Judicial Notice in Support of Opening Brief filed June
6 15, 2021, is granted. The Court takes judicial notice of Exhibits 1 and 2 attached to the
7 Declaration of Andrew R. Contreiras.

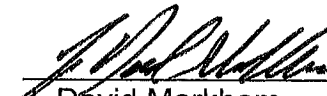
8 3. The Objection to the Declaration of Van Busic Regarding E-Mail
9 Communication in the Record filed October 15, 2021, is sustained.

10 4. A judgment will issue granting a peremptory writ of mandate ordering
11 Respondent County of Lake to set aside its (a) certification of the final EIR, (b) findings
12 relating to impacts to an adopted emergency evacuation plan, and (c) approval of the
13 Project.

14 5. Intervenor/Petitioner People of the State of California is directed to prepare a
15 form of judgment and peremptory writ of mandate.

16 6. The issues of costs and attorney fees are reserved.

17 Date: January 4, 2022

18 
19 J. David Markham
20 Judge of the Superior Court

21
22
23 ⁷ Prior to the trial in this matter, a number of motions were filed by the parties. The Court ruled on those motions prior
24 to commencement of the trial. At the request of counsel, orders relating to those motions are contained herein.

Center for Biological Diversity vs. County of Lake et al CV421152

PROOF OF SERVICE

I am a Deputy Clerk of the Superior Court of California, County of Lake. I am over the age of 18 and not a party to the action to which this document is attached.

January 4, 2022- On this date, I mailed a true copy of the attached document to the person(s) whose name(s) are set forth below by placing said copy in a sealed envelope addressed to each of said person(s), at the address set forth below, which envelope was then sealed and postage fully prepaid, and deposited in the mail at Lakeport, California to be delivered by United States mail.

Peter Broderick-Center for Biological Diversity
1212 Broadway, Ste 800
Oakland, CA 94612

Nicole Johnson & Anita Grant – by courthouse mailbox

Arthur F Coon – Miller Starr Regalia
1331 N California Blvd, 5th Fl
Walnut Creek, CA 94596

Andrew Contreiras/Attorney General of Calif
PO Box 85266
San Diego, CA 92101

Jonathan R. Bass/COBLENTZ PATCH DUFFY & BASS
One Montgomery St, STE 3000
San Francisco, CA 94104-5500

Rebecca Davis- Lozeau/Drury LLP
1939 Harrison St, Ste 150
Oakland, CA 94612

Krista D. LeVier, Court Clerk

Dated: January 4, 2022

By: YB
Yolanda Blum
Deputy Court Clerk

From: [Dameron, Megan](#)
To: [Ringel, Matthew](#); [PlanningCommissionClerk](#)
Subject: Fwd: Thank you!
Date: Monday, December 11, 2023 3:26:50 PM

Get [Outlook for iOS](#)

From: ruralangwin <kelliegato@gmail.com>
Sent: Wednesday, December 6, 2023 11:24 AM
To: Dameron, Megan <megan.dameron@countyofnapa.org>
Subject: Thank you!

[External Email - Use Caution]

The ARAX a study really matters! I could not find study on Diamond Mtn but the Conclusion was the same on Anthem!

I was there at 4:00 am! I care for an elderly person! It's absolutely a life safety issue!

You did the right thing!

Thank you for looking at reality! This is a community impact that can not be mitigated!

I appreciate your service!

Respectfully,

Kellie Anderson

From: [PlanningCommissionClerk](#)
To: [Ringel, Matthew](#)
Cc: [Ramos, Aime](#)
Subject: FW: Thank for your service
Date: Monday, December 11, 2023 11:36:24 AM

Alexandria Quackenbush
Administrative Secretary I
Planning, Building, & Environmental Services
County of Napa | 1195 Third Street, Suite 210 | Napa, CA 94559
alexandria.quackenbush@countyofnapa.org



A Tradition of Stewardship
A Commitment to Service

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

From: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Sent: Monday, December 11, 2023 11:06 AM
To: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Subject: FW: Thank for your service

From: Larry Vermeulen <vermeulenlw@gmail.com>
Sent: Thursday, December 7, 2023 3:46 PM
To: Dameron, Megan <megan.dameron@countyofnapa.org>; Brunzell, Kara <kara.brunzell@countyofnapa.org>
Cc: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: Thank for your service

[External Email - Use Caution]

Dear Ms. Dameron and Ms. Brunzell,

I want to thank you for your intelligent consideration of the facts regarding the Vida Valiente Use Permit that led to your conclusions that this was a dangerous project for the location on a substandard rural road. You took a lot of heat from the proponents who went so far as to question

your motives. You were accused of being uninformed because you had not visited the site during one of their guided tours. And you were treated misogynistically by Commissioner Mazotti, who seemed to imply that now that you had heard the men speak, perhaps you women would want to reconsider your positions. You stayed strong through all of it and simply reiterated your valid concerns. Thank you.

I was very disappointed that Chairman Whitmer had his thumb so heavily on the scale that he almost tipped the table over. Planning Commission decisions should be made on the basis of facts, and proponents and opponents should have an equal opportunity to present them. Whitmer granted Applicant's representative, Donna Olford, an unlimited period of time to present their project, and the right of rebuttal after public comment. The rest of us got 3 minutes which is inadequate to really make much of a case. But worse, when Whitmer realized the permit was about to be denied, he reopened public comment, gave Olford and Drumwright unlimited time to make their last-minute plea, then slammed the public comment period closed when I approached the podium. A couple of Brown Act violations may have occurred there, but more importantly, it just shows the length to which the Chair will misuse his power to sway an outcome.

I was disappointed in the testimony of Fire Marshall Jason Downs who claimed he had only just learned of the project but was ready to downplay its impact without further consideration. He stated that he was on the 3rd engine to respond to the Glass Fire. As an aside, I was one of the first to call it in at 4:00 when I looked out the bedroom window and saw Bell Canyon ablaze just a couple of miles away. Nonetheless, he said that his engine had no problem accessing the area on the narrow Crystal Springs Road. Of course, driving the road at 4:00 AM with no other traffic is quite different than navigating at 10:00 PM with a bunch of intoxicated wine club members who have just left their big party. Furthermore, approaching a narrow section of road with flashing lights, siren, and air horn, leaves little doubt as to what oncoming traffic is supposed to do. It's an entirely different matter when folks are running for their lives with their cars loaded with family and pets and not sure whether to evacuate north or south. All it would take is one car to get stuck in the ditch I keep referring to and the road would become blocked.

And speaking of the ditch, I believe Commissioner Dameron referred to the photo of my truck and my neighbors' truck trying to pass the narrow section below my house in the 700 block. I took one for the team and drove into the ditch to prove a point. That's the only way 2 pickups can pass one-another. Yes, it was staged, but it is an accurate representation of an everyday occurrence here. Commissioner Mazotti seemed to infer that the picture was fake, and that Commissioner Dameron was foolish to rely upon it. I will invite him to bring his pickup over and he can be the one to drive into the ditch.

I thought Engineer Kazmi's testimony was just mumbo-jumbo. He had miraculously come to the same conclusion for 2 large events as he had for just one. He reiterated the Applicant's position that the traffic mitigation measure was sufficient to address all traffic issues. And he repeated their fallback position that, if there was an emergency, one could always use the southern route as well.

Director Lederer made his position as to the quality of Napa County Roads pretty clear and merely confirmed my opinion of the Roads Division in general. I have reported the dangerous conditions of

CSR to the Public Works Department over the past 25 years. Rarely have I gotten the courtesy of a reply. In my letter to the department from 2014 I reported that the narrow portion of the road below my house was 14' wide and eroding steadily. It is now 12'. The neighbors and I are largely on our own to clear the culverts in the winter to prevent flooding. He seems content to fall back on the position that some of the County roads are very old and are substandard. His position seems to be that he has no intention of ever improving them, take it or leave it.

I will repeat what I have written previously. Level of Service (LOS) is the wrong standard to apply. LOS only measures how congested a road is, i.e., does traffic flow smoothly or not? It does not measure safety, or any other the many factors that make for a modern, safe road. To achieve a grade of C or less, there would have to be regular traffic backups resulting in delays of many minutes. We are not suggesting that. The County of Napa Pavement Management Program PCI Map Book, is a much better guide to the quality of the road. Map 54 shows Crystal Springs Road as "Poor" (equivalent to a grade of "D"). Applicant's own traffic engineers provided verifiable width measurements for Crystal Spring Road along its entire length. There is no disagreement as to the road quality!

We will continue to organize, educate ourselves and forward relevant information to all of the Commissioners, but in particular, you two, so your positions will be bolstered by facts. Should either of you wish to visit the neighborhood I would be happy to provide a guided tour, free of false platitudes or heavy sales tactics. I am more than willing to let the facts speak for themselves.

With great respect and deep thanks,

Larry Vermeulen
670 Crystal Springs Road
707-287-0843

From: [Dameron, Megan](#)
To: [PlanningCommissionClerk](#); [Ringel, Matthew](#)
Subject: Fwd: Thank for your service
Date: Monday, December 11, 2023 3:25:34 PM

Get [Outlook for iOS](#)

From: Larry Vermeulen <vermeulenlw@gmail.com>
Sent: Thursday, December 7, 2023 3:46 PM
To: Dameron, Megan <megan.dameron@countyofnapa.org>; Brunzell, Kara <kara.brunzell@countyofnapa.org>
Cc: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: Thank for your service

[External Email - Use Caution]

Dear Ms. Dameron and Ms. Brunzell,

I want to thank you for your intelligent consideration of the facts regarding the Vida Valiente Use Permit that led to your conclusions that this was a dangerous project for the location on a substandard rural road. You took a lot of heat from the proponents who went so far as to question your motives. You were accused of being uninformed because you had not visited the site during one of their guided tours. And you were treated misogynistically by Commissioner Mazotti, who seemed to imply that now that you had heard the men speak, perhaps you women would want to reconsider your positions. You stayed strong through all of it and simply reiterated your valid concerns. Thank you.

I was very disappointed that Chairman Whitner had his thumb so heavily on the scale that he almost tipped the table over. Planning Commission decisions should be made on the basis of facts, and proponents and opponents should have an equal opportunity to present them. Whitmer granted Applicant's representative, Donna Olford, an unlimited period of time to present their project, and the right of rebuttal after public comment. The rest of us got 3 minutes which is inadequate to really make much of a case. But worse, when Whitmer realized the permit was about to be denied, he reopened public comment, gave Olford and Drumwright unlimited time to make their last-minute plea, then slammed the public comment period closed when I approached the podium. A couple of Brown Act violations may have occurred there, but more importantly, it just shows the length to which the Chair will misuse his power to sway an outcome.

I was disappointed in the testimony of Fire Marshall Jason Downs who claimed he had only just learned of the project but was ready to downplay its impact without further consideration. He stated that he was on the 3rd engine to respond to the Glass Fire. As an aside, I was one of the first to call it in at 4:00 when I looked out the bedroom window and saw Bell Canyon ablaze just a couple of miles away. Nonetheless, he said that his engine had no problem accessing the area on the

narrow Crystal Springs Road. Of course, driving the road at 4:00 AM with no other traffic is quite different than navigating at 10:00 PM with a bunch of intoxicated wine club members who have just left their big party. Furthermore, approaching a narrow section of road with flashing lights, siren, and air horn, leaves little doubt as to what oncoming traffic is supposed to do. It's an entirely different matter when folks are running for their lives with their cars loaded with family and pets and not sure whether to evacuate north or south. All it would take is one car to get stuck in the ditch I keep referring to and the road would become blocked.

And speaking of the ditch, I believe Commissioner Dameron referred to the photo of my truck and my neighbors' truck trying to pass the narrow section below my house in the 700 block. I took one for the team and drove into the ditch to prove a point. That's the only way 2 pickups can pass one-another. Yes, it was staged, but it is an accurate representation of an everyday occurrence here. Commissioner Mazotti seemed to infer that the picture was fake, and that Commissioner Dameron was foolish to rely upon it. I will invite him to bring his pickup over and he can be the one to drive into the ditch.

I thought Engineer Kazmi's testimony was just mumbo-jumbo. He had miraculously come to the same conclusion for 2 large events as he had for just one. He reiterated the Applicant's position that the traffic mitigation measure was sufficient to address all traffic issues. And he repeated their fallback position that, if there was an emergency, one could always use the southern route as well.

Director Lederer made his position as to the quality of Napa County Roads pretty clear and merely confirmed my opinion of the Roads Division in general. I have reported the dangerous conditions of CSR to the Public Works Department over the past 25 years. Rarely have I gotten the courtesy of a reply. In my letter to the department from 2014 I reported that the narrow portion of the road below my house was 14' wide and eroding steadily. It is now 12'. The neighbors and I are largely on our own to clear the culverts in the winter to prevent flooding. He seems content to fall back on the position that some of the County roads are very old and are substandard. His position seems to be that he has no intention of ever improving them, take it or leave it.

I will repeat what I have written previously. Level of Service (LOS) is the wrong standard to apply. LOS only measures how congested a road is, i.e., does traffic flow smoothly or not? It does not measure safety, or any other the many factors that make for a modern, safe road. To achieve a grade of C or less, there would have to be regular traffic backups resulting in delays of many minutes. We are not suggesting that. The County [of Napa Pavement Management Program PCI Map Book](#), is a much better guide to the quality of the road. Map 54 shows Crystal Springs Road as "Poor" (equivalent to a grade of "D"). Applicant's own traffic engineers provided verifiable width measurements for Crystal Spring Road along its entire length. There is no disagreement as to the road quality!

We will continue to organize, educate ourselves and forward relevant information to all of the Commissioners, but in particular, you two, so your positions will be bolstered by facts. Should either of you wish to visit the neighborhood I would be happy to provide a guided tour, free of false platitudes or heavy sales tactics. I am more than willing to let the facts speak for themselves.

With great respect and deep thanks,

Larry Vermeulen
670 Crystal Springs Road
707-287-0843

From: [Dameron, Megan](#)
To: [Ringel, Matthew](#); [PlanningCommissionClerk](#)
Subject: Fwd: Wednesday Commission Meeting re: Vida Valiente Winery
Date: Monday, December 11, 2023 3:25:02 PM

Get [Outlook for iOS](#)

From: jimjwheat@aol.com <jimjwheat@aol.com>
Sent: Thursday, December 7, 2023 3:58 PM
To: Dameron, Megan <megan.dameron@countyofnapa.org>
Subject: Wednesday Commission Meeting re: Vida Valiente Winery

[External Email - Use Caution]

Dear Commissioner Dameron –

We attended Wednesday’s Planning Commission meeting to voice our opposition to the Vida Valiente Winery use permit. We are not anti-winery or against development of new opportunities for family-owned businesses. We do object to a 30,000 gallon operation with over 7,000 proposed visitors being place on a clearly substandard rural road. We see little that can be done to mitigate worst-case scenarios in a high fire risk neighborhood.

We think it’s wrong to consider our concerns as just a “personal preference” not to have new construction in our quiet rural valley. We believe that the applicants are putting lives at risk by adopting the philosophy of “hope for the best.” We were in Maui in May and enjoyed strolling through historic Lahaina. Who knew that in a matter of weeks wildfire would destroy the community and take the lives of close to 100 people, many of whom died in their cars as they tried to escape the flames. We carry our own memories of being given 10 minutes to evacuate at 4 a.m. when the Glass Fire erupted. Here is a picture taken from the St. Helena Hospital, looking toward Bell Canyon where Vida Valiente wants to build their winery. The inferno would soon be licking at the edge of the Hospital property and burning over the hill to Deer Park.



The Winery’s application states that granting the Use Permit for the project as proposed **will not adversely affect health, safety or welfare of the County**. We disagree! IF NAPA COUNTY IS NOT

PREPARED TO IMPROVE THE ROAD'S CLEAR DEFICIENCIES, IT SHOULD NOT ALLOW COMMERCIAL DEVELOPMENT THAT WILL ALLOW THOUSANDS OF VISITORS TO FACE THE DANGERS ON CRYSTAL SPRINGS ROAD.

We appreciated that you and Commissioner Brunzell seemed to agree with our concerns for the safety of both neighbors and customers in the event of catastrophic fires. As the Commission prepared to vote Wednesday, we were taken aback by Commissioner Mazotti's mansplaining: "Now that the women have heard our point of view, they will change theirs". His condescending and bullying tone was not missed by those in attendance or listening in on the phone.

We hope you don't face unnecessary pressure to support the wine industry over public safety. We encourage you to visit the winery, and see how the fire transformed the landscape. Please drive the full length of Crystal Springs Road. Take special note of the blind curves, steep dropoffs, and the many areas where the road is barely over 12 feet wide. Val and I trust that you will make your final decision based on the application as written, and your own observation of the conditions at the site.

Thank you again for your attentively listening to all speakers at the meeting. We hope to see you again at the next meeting when this use permit application is on the agenda.

Sincerely,

Jim and Val Jespersen-Wheat

788 Crystal Springs Road

St. Helena, CA 94574

From: [Dameron, Megan](#)
To: [Ringel, Matthew](#); [PlanningCommissionClerk](#)
Subject: Fwd: Vida Valiente Winery
Date: Monday, December 11, 2023 3:24:26 PM

Get [Outlook for iOS](#)

From: Connie Wilson <clw1956@comcast.net>
Sent: Thursday, December 7, 2023 9:13 AM
To: Brunzell, Kara <kara.brunzell@countyofnapa.org>; Dameron, Megan <megan.dameron@countyofnapa.org>
Subject: RE: Vida Valiente Winery

[External Email - Use Caution]

Dear Commissioners Brunzell and Dameron,

As a concerned resident of Crystal Springs Road in St. Helena, I wish to thank you for your thoughtful ruling on Vida Valiente Winery. Contrary to what was said during the meeting, the road condition of Crystal Springs is wholly inadequate to support hundreds of additional cars, trucks and grape haulers. In an event of another devastating fire, evacuation could be impaired for the residents due to additional traffic on the road. For your information, the heaviest concentration of fuels is still present over the narrowest stretch of the road, as the Glass Fire burned around it but not through it. I live directly above this spot, and our beautiful forest was burned but our house was saved.

I would like to mention that I have never experienced a meeting such as yesterday's. I am appalled by the way you were treated by Commissioner Mazotti, and I appreciate how you both responded with grace and tenacity. I was also dismayed that after several falsehoods were stated during the applicant's rebuttal, residents of Crystal Springs Road were not allowed to respond. Perhaps this can be rectified at the next hearing.

Thank you for your public service.

Sincerely,

Connie Wilson
670 Crystal Springs Road
St. Helena, CA 94574

From: [Dameron, Megan](#)
To: [Ringel, Matthew](#); [PlanningCommissionClerk](#)
Subject: Fwd: Thank you for your integrity
Date: Monday, December 11, 2023 3:25:59 PM

Get [Outlook for iOS](#)

From: Patricia Damery <pdamery@patriciadamery.com>
Sent: Friday, December 8, 2023 4:16 PM
To: Brunzell, Kara <kara.brunzell@countyofnapa.org>; Dameron, Megan <megan.dameron@countyofnapa.org>
Subject: Thank you for your integrity

[External Email - Use Caution]

Dear Commissioners Brunzell and Dameron,

I was amazed at your fortitude in the presence of a lot of opposition on Wednesday at the Vida Valiente Winery hearing. I celebrate your decision to not permit yet another winery in a high fire or very high fire area. Of course you have gone against the grain of our county's policies, but you have a lot of people backing your decision. The fact that our county has decided that the minimum FSR are applied only optionally to public roads is simply outrageous. Please stick to your decision.

My hope is that the Board of Supervisors will make decisions on the need to follow the BOF FSR rules. This would settle things for all involved, including the applicants. I can understand their anger and confusion at your decision, as right as your decision was.

I do not understand some of the condescending comments you received from fellow commissioners or from the applicant's consultant. Thank for persevering anyway.

Kind regards,
Patricia Damery

Megan Dameron

Get [Outlook for iOS](#)

From: Wendy Cole <beehaven2@comcast.net>

Sent: Sunday, December 10, 2023 6:21 PM

To: Dameron, Megan <megan.dameron@countyofnapa.org>; Brunzell, Kara <kara.brunzell@countyofnapa.org>

Subject: Vida Valiente

[External Email - Use Caution]

Dear Ms Dameron and Ms. Brunzell,

I watched the Planning Commission meeting on Wednesday regarding Vida Valiente. I live on Rose Lane which is off of Crystal Springs at the south end.

It was quite an eye opening process to watch. I do appreciate that the two of you understand the issue with the road. We have lived here since 1984, so have seen some changes over the years in the traffic patterns. I jog along Crystal Springs road frequently, and depending on the time of day will run into others walking or bicycling.

After Jason Woodbridge's caves/winery was built at 565 Crystal Springs Road, there was a definite increase in the amount of car traffic, which I notice in the late afternoon, as workers are getting off for the day. And they exit the south entrance of Crystal Springs as I am sure most of them live to the south. They tend to drive fast as well.

My son who grew up here and knows the road well, is now on the planning commission in his town (not in Napa county). When I told him about the meeting and your reasons for voting it down, he agreed that was the right thing to do.

I am also very concerned about the event center they propose. That small rural valley is quiet and peaceful, and the activity and noise of the proposed project will ruin a very special place.

Sincerely,

Wendy Cole

From: gecalo@comcast.net
To: [Ringel, Matthew](#)
Subject: FW: VIDA VALIENTE WINERY APPLICATION
Date: Friday, December 29, 2023 3:15:25 PM
Attachments: [VIDA VALIENTE - MARIN EVACUATION REPORT.pdf](#)

[External Email - Use Caution]

Please forgive the "COMENT" spelling in my previous email. Please substitute.

Have a wonderful New Year.

George

From: gecal@comcast.net <gecalo@comcast.net>
Sent: Friday, December 29, 2023 3:08 PM
To: G/ COUNTY Ringel (matthew.ringel@countyofnapa.org) <matthew.ringel@countyofnapa.org>
Subject: VIDA VALIENTE WINERY APPLICATION

Dear Matthew,

I herewith forward to you for the record the Marin Wildfire Prevention Authority Prevention Report. Its relevance to the Vida Valiente application is twofold:

1. In my previous COMMENT dated November 28, 2023, *Section C-4.2 / Imperative Stress-Test Scenario*, I had urged a computer simulation of evacuations during a catastrophic fire while simultaneous events at VV and other wineries on Crystal Springs Road were taking place. The Marin Report shows the methodology it employed for such a modeling in five test areas of that county.

Page 10 of the associated Sonoma Technology Technical Memorandum dated May 23, 2023 states that the data review task "did not identify any key missing dataset that would prevent the modeling work". I am sure that all the essential data is also available in Napa County for the similar modeling I suggested.

2. Keeping in mind that in contrast to Napa County, Marin County does not host high density population events of the magnitude Napa County and its cities do, with its main concentration population risks spread among sectors of its economy, from high to low: Professional Services (16.5%), Health Care and Social Assistance (13.0%), Retail (10.1%), Education (8.1%), Construction (6.2%) for a total of 53.9%.

Nevertheless, the Report's Evacuation Risk Assessment, Fire Factors, states: *Areas that are within the wildland urban interface (WUI), **previous fire ignition sites**, and previously mapped as high-risk locations (burn probability, rate of spread, and high flame lengths) **have higher risk scores*** (my highlighting). Crystal Springs Road and Crystal Springs Road North, belong in this category.

I also attach highlighted pages 5-7 and 10 of the above-mentioned Sonoma Technology Technical Memorandum which clearly show that road quality parameters such as road type, number of lanes, signage, centerline markings, effective road width, and "choke points" are

significant factors in enabling efficient evacuations with the simultaneous access by fire fighting equipment. Access roads to the VV project are lacking in these areas.

Said Memorandum also stresses the significance of timely and efficient communications infrastructure. It lists tourists among the most challenging populations to reach (page 10) even though the hospitality industry contributes only 4.9% to Marin County's economy. In stark contrast, it is a generic problem throughout Napa County and especially in its many WUI areas in which the VV project is located.

Can't see this message? [View in a browser](#)

New from the Blog in [DMFSC](#)

Hi DMFSC Neighbors, Below is a "a state-of-the-science review and evacuation risk assessment to understand the causes of civilian fatalities during wildfire evacuations."



"Improve Detection and Evacuations" Evacuation Ingress/Egress Risk Assessment by Marin Wildfire Prevention Authority California has...

Check It Out

This email was sent from [this site](#).
You can always [unsubscribe](#) or [manage your preferences](#).

FIRE FACTORS

PURPOSE

Why?

The Evacuation Ingress/Egress Planning Tool Project Study was undertaken to understand and address the risks associated with evacuation routes in Marin County. The goal is to construct an inventory of risk factors and dynamic models of wildland fire spread, communications processes, and transportation networks to simulate wildfire evacuation scenarios in Marin County. Risk ratings are assigned to address how road, fire, and communication characteristics affect evacuation. This fact sheet addresses fire risk ratings

METHODOLOGY

What was the process?

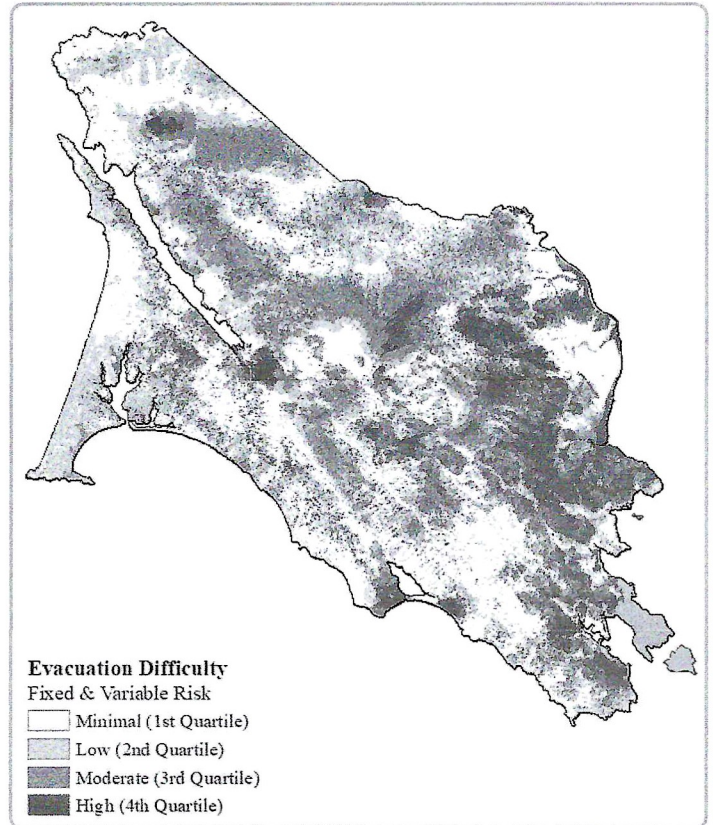
Fire and fuel risks address fire behavior such as high flame lengths and the rate of spread. Areas that are within the wildland urban interface (WUI), previous fire ignition sites, and previously mapped as high-risk locations (burn probability, rate of spread, and high flame lengths) have higher fire risk scores. Other factors include distance to water, structure density, and proximity to key infrastructure.

NEAR-TERM BENEFITS

What will be done to help now?

MWPA and partner agencies are using the fire risk ratings generated by the Study to generate near-term community benefits as follows.

- » Fuel treatments and breaks
- » Hydrant installations



LONG-TERM BENEFITS

What are the next steps?

MWPA and partner agencies plan to implement measures such as resiliency hubs, new evacuation shelters, and public building hardening. These long-term strategies will require grant funding that MWPA and partner agencies are actively pursuing. Co-benefits of facilities such as resiliency hubs are that they can be used during other emergency events.

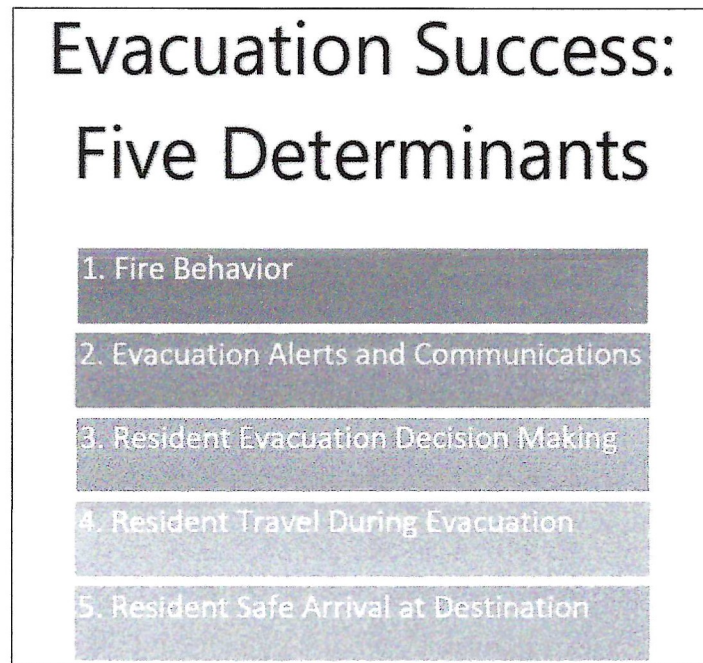


Figure 1. Five determinants of evacuation success identified in the literature.

At each stage of a wildfire evacuation, there are several risk factors that can affect the overall outcome (Figure 2). It is important to understand these risk factors when constructing the approach for evacuation modeling to ensure adequate data are available to support modeling efforts. Wildfire conditions, such as rapid fire spread and extreme fire behavior, can exceed suppression resources quickly and reduce the amount of time to provide evacuation warnings and orders. Impacts to key infrastructure, such as cell towers, can delay evacuation notices, especially in wilderness areas and for residents with limited access to technology. Time of day, notification time, education, demographics, and family dynamics all impact a person's decision and capability to stay home or leave during an evacuation.

The number of people leaving at any given time, by various methods, impacts road demand. Road demand affects road network saturation and congestion. Road congestion points, or "choke points," can greatly impact efficient egress for evacuees and ingress for emergency vehicles at the local and county level. The number and location of established safe destination points also greatly impacts the road saturation over time and are key for reducing the burden of vehicles on a saturated roadway. Mitigation methods can reduce the risk at each stage from wildfire ignition to safe shelter. These can include improved roadways and signage, smart traffic lights, resident education, hardening of key infrastructure and designated safe spaces, vegetation management along evacuation routes, and resource planning and allocations.

Based on the review of the current literature, for each of the five risk categories (Figure 1), there are many variables and corresponding datasets that provide valuable information for wildfire evacuation planning. A comprehensive list of these variables and datasets is contained in Appendix B and color-

coded based on the five risk categories shown in Figure 1. In practice, all variables listed in Appendix B cannot be directly implemented into a single modeling framework; however, when conducting modeling, the best practice is to use the most current, representative, and highest resolution (both time and space) data available.

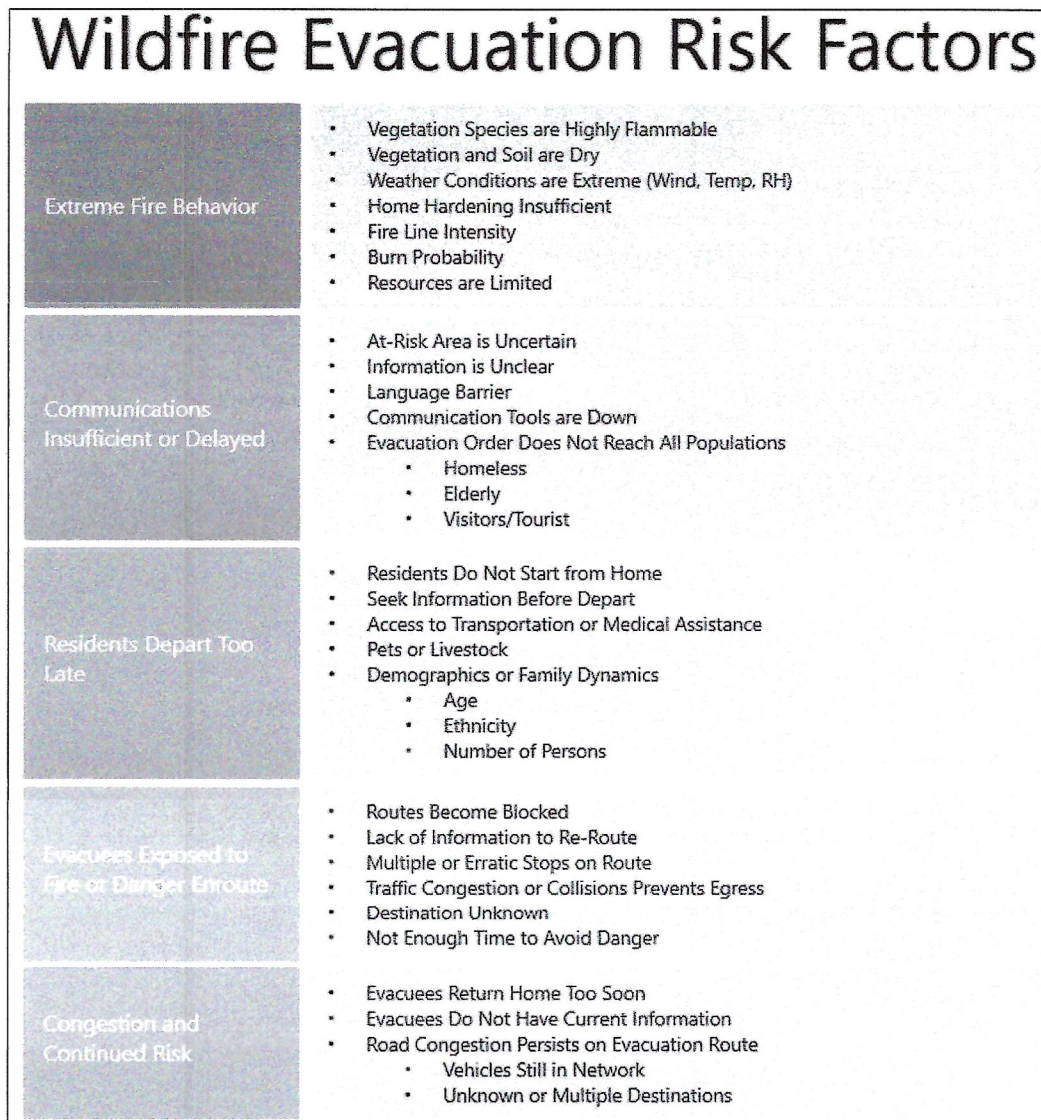


Figure 2. Summary of wildfire evacuation risk factors.

Datasets Used for Evacuation Modeling Based on Current Literature

There are numerous evacuation risk factor variables that are useful for modeling, as well as background map layers to add geographic description and context (Figure 3). Road quality parameters such as road type, number of lanes, signage, centerline markings, effective road width, and street parking density can inform road management mitigation projects but are also inputs for

modeling location-specific traffic scenarios. Some examples of this include signage for right-of-way or street parking restrictions during Red Flag Warning³ days, and improvements to street markings. Roadways with large trees or dense vegetation can also be at risk for road blockages during an evacuation. In addition, narrow winding roads and complex intersections may be more affected during poor-visibility conditions. Intersection control mechanisms such as stop or yield signs, traffic lights, and personnel available to assist with traffic control can inform additional mitigation actions to improve wildfire evacuation. These could include installation of smart traffic lights at large intersections along evacuation routes, deploying signs at non-signalized intersections, and increasing traffic control staff on Red Flag Warning days. Wildfire risk is characterized by fire environment variables and the fire behavior/growth model; emergency alert and decision making by the communication and decision model; and evacuation and safe space by the traffic model.

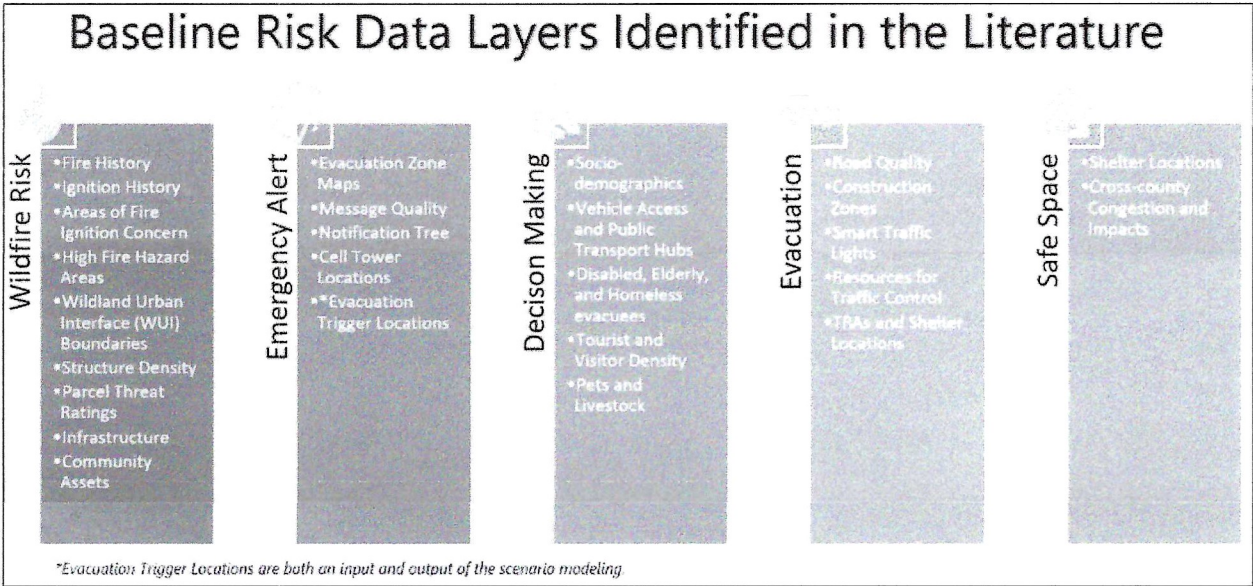


Figure 3. Baseline risk data layers identified in the literature.

Fire Datasets

To characterize wildfire threat, several datasets were identified in the literature including (but not limited to) fire spread, burn probability, zoning, structure characteristics, and fire management potential. Fire management potential components such as topography, access/ingress roads, fuel loads along ingress/egress roads, distance from fire station(s), and water availability, can inform areas where fire containment may be possible to achieve. These wildfire risk layers can inform mitigation projects including modifying or reducing fuel loads along ingress/egress roads, extending water

³ National Weather Service (https://www.weather.gov/media/lmk/pdf/what_is_a_red_flag_warning.pdf).

which emergency response ingress is blocked or delayed due to evacuation congestion or how policies can improve ingress.

In whole, we produced a range of scenarios for best-case (e.g., meeting all evacuation goals in an efficient and orderly manner) through worst-case scenarios (e.g., communication failures, road blockages, lack of transportation availability, rapid fire spread) to compare fire arrival time, number of persons in unsecure locations, persons in a secure location, and evacuation conditions over time.

The literature review provided examples and case studies that implemented fire, communication, and traffic models in sequence. However, the previous modeling studies and tools were implemented for different purposes and outcomes than defined for the Marin Ingress/Egress Evacuation Risk Assessment. Though the Marin Evacuation Ingress/Egress Risk Assessment goal is to develop actionable mitigation projects to improve wildfire evacuation, previous modeling studies helped to inform the modeling approach for this project. The modeling work performed as part of this project will help inform and prioritize future mitigation projects such as road widening, vegetation management along roadways, parking policy changes, intersection control devices, and road signage improvements.

Datasets Used to Perform the Marin Evacuation Ingress/Egress Risk Assessment

In summary, the data review task did not identify any key missing datasets that would prevent the modeling work. The datasets used to initialize and run each model are listed in Table 1, as well as background data layers used in aggregate evacuation difficulty scores. Detailed information on each dataset can be found in the accompanying Data Dictionary (Appendix A), cross referenced by Dataset Name. Similarly, the output from each model and relevant base layers used to perform the risk assessment are listed in Table 2. These datasets can also be found in the Data Dictionary with additional detail on quality control and post processing procedures.

Though the datasets listed provide adequate information for the dynamic modeling to be performed, there are several ways to improve the certainty and robustness of the findings. Future data enhancements should include in-parcel home hardening and vegetation data, which is being collected through the MWPA home inspection program. Additional demographic data including household pets, length of residence, and need for medical assistance, would also be valuable information to better characterize communication challenges and likelihood to evacuate. Additional geographic detail and confidence in the number and location of National Oceanic and Atmospheric Administration (NOAA) radios, tourist populations, and unsheltered populations would also provide value for understanding communication challenges. For infrastructure, road width is the most critical variable which is not systematically available. Though some assumptions can be made based on road types, systematic and measured road widths will provide significant improvements to the evacuation assessments. County-wide identification of shelter locations would improve planning and traffic assessments. Lastly, we recommend updates to all variables including the fuels and fire behavior data

From: [MeetingClerk](#)
To: [Ringel, Matthew](#); [Parker, Michael](#)
Subject: Re: State Minimum Fire Safe Regulations and Vida Valiente Winery
Date: Tuesday, January 16, 2024 4:34:12 PM
Attachments: [image001.png](#)

From: kara.brunzell@yahoo.com <kara.brunzell@yahoo.com>
Sent: Tuesday, January 16, 2024 3:23 PM
To: Brunzell, Kara <kara.brunzell@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>; PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Subject: FW: State Minimum Fire Safe Regulations and Vida Valiente Winery

[External Email - Use Caution]

Here is the email I did not receive at my county address, if you scroll down you will see that I was copied with the correct address but it did not come through. This is why, in addition to the fact that meetings have included discussion of public comment I had never seen, that I believe there is a technical problem with my county email. Thanks, Kara

From: Gallagher, Joelle <joelle.gallagher@countyofnapa.org>
Sent: Friday, January 5, 2024 2:04 PM
To: kara.brunzell@yahoo.com
Subject: FW: State Minimum Fire Safe Regulations and Vida Valiente Winery

Joelle

Joelle Gallagher
Supervisor, District 1
Pronouns: she/her

County Administration Building
1195 Third Street, Suite 310
Napa, CA 94559
www.countyofnapa.org
(707) 253-4828



A Tradition of Stewardship
A Commitment to Service

From: Deborah Eppstein <deppstein@gmail.com>
Sent: Friday, January 5, 2024 10:02 AM
To: Gallagher, Joelle <joelle.gallagher@countyofnapa.org>; Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Cottrell, Anne <anne.cottrell@countyofnapa.org>; alfredo.petroza@countyofnapa.org; Ramos, Belia <Belia.Ramos@countyofnapa.org>
Cc: SAFRR <firesaferoadregs@gmail.com>
Subject: Fwd: State Minimum Fire Safe Regulations and Vida Valiente Winery

[External Email - Use Caution]

Dear Napa County Supervisors,

The State Alliance for Firesafe Road Regulations (SAFRR) works to ensure that California's public safety road standards provide for safe and concurrent evacuation and firefighter access, and to help local jurisdictions properly implement the 2023 Title 14 State Minimum Fire Safe Regulations ("State Regulations"). These regulations have been in effect since 1991. If they had been properly enforced for new development, this would have prevented many of the losses from wildfires in recent years. In light of recent events in Napa County, in which the State Minimum Fire Safe Regulations were not properly included in a permit hearing evaluation, we thought you would appreciate the following. SAFRR would be happy to discuss if that would be helpful.

Sincerely,

Deborah Eppstein, PhD
Director, State Alliance for Firesafe Road Regulations

Begin forwarded message:

From: Deborah Eppstein <deppstein@gmail.com>
Subject: State Minimum Fire Safe Regulations and Vida Valiente Winery
Date: January 5, 2024 at 9:28:00 AM PST
To: kara.brunzell@countyofnapa.org, dave.whitmer@countyofnapa.org, heather.phillips@countyofnapa.org, andrew.mazotti@countyofnapa.org, megan.dameron@countyofnapa.org
Cc: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>, Jason Downs <firedepartment@countyofnapa.org>, Brian Bordona

<Brian.Bordona@countyofnapa.org>, SAFRR <firesaferoadregs@gmail.com>



SAFRR

State Alliance for Firesafe Road Regulations

firesaferoadregs@gmail.com

January 5, 2024

To the Planning Commissioners of Napa County

planningcommissionclerk@countyofnapa.org

The State Alliance for Firesafe Road Regulations (SAFRR) works to ensure that California's public safety road standards provide for safe and concurrent evacuation and firefighter access, and to help local jurisdictions properly implement the 2023 Title 14 State Minimum Fire Safe Regulations ("State Regulations").

SAFRR sent you a letter on December 4 (re-attached for convenience), asking that you deny the winery permit application P20-00079 by Vida Valiente, as its approval would violate the State Regulations and jeopardize the safety of residents and firefighters due to subpar access roads. We appreciate the concerns with the road some of you expressed at the hearing, although violations of State Regulations were not addressed.

We understand that the Fire Marshal does not apply the State Regulations to public access roads when assessing suitability for new development. We do not know his reasoning, and he has not responded to our request to discuss. To ensure that you, the decision makers, understand the State Regulations, SAFRR is providing you with a short summary of some of the requirements. We appreciate your challenges in ensuring safety and meeting state laws that may not be popular with local developers and county officials, and hope that this summary (attached) of those State Regulation will help inform your decisions going forward.

In brief, the State Regulations apply equally to public and private roads that provide access a proposed new development. If roads do not meet the minimum standards in the State Regulations, new development cannot occur unless the roads are improved to meet the minimum requirements (e.g., two 10-ft wide traffic lanes, dead-end road length limits, and much more). The Napa County Road and Street Standards exempt existing roads whereas the State Regulations do not have this exemption. State law specifies that, as this local regulation does not meet the minimum standards of the State Regulations and furthermore, as it has exemptions not in the State Regulations, it does not replace the State Regulations. As previously noted, roads do not need to be improved to meet State Regulations for post-fire rebuilds as that is not new development, but rather just replacing what burned.

We are also providing this information to the Napa County Board of Supervisors. SAFRR would be happy to discuss if that would be beneficial.

Sincerely,

Deborah Eppstein, PhD

Director, State Alliance for Firesafe Road Regulations (SAFRR)

Attachments: December 4, 2023 letter to Napa Planning Commissioners

Summary of Road Requirements of the 2023 State Minimum Fire safe Regulations

Cc: Brian Bordona, Director of Planning Brian.Bordona@countyofnapa.org

Jason Downs, Fire Marshal firedepartment@countyofnapa.org

SAFRR firesaferoadregs@gmail.com

Deborah Eppstein, PhD

deppstein@gmail.com

Deborah Eppstein

deppstein@gmail.com

From: [Bordona, Brian](#)
To: [Parker, Michael](#); [Ringel, Matthew](#)
Subject: FW: Thank for your service
Date: Wednesday, January 10, 2024 3:51:08 PM

From: Larry Vermeulen <vermeulenlw@gmail.com>
Sent: Sunday, January 7, 2024 6:59 PM
To: Dameron, Megan <megan.dameron@countyofnapa.org>; Brunzell, Kara <kara.brunzell@countyofnapa.org>
Cc: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: RE: Thank for your service

[External Email - Use Caution]

Dear Ms. Dameron and Ms. Brunzell,

I wish to reiterate my invitation for you to come visit our neighborhood. Please let me know when you might be available and I'll make arrangements to give you a guided tour.

Best regards,

Larry Vermeulen
670 Crystal Springs Road
St. Helena, CA 94574

From: Larry Vermeulen <vermeulenlw@gmail.com>
Sent: Thursday, December 7, 2023 3:46 PM
To: megan.dameron@countyofnapa.org; Kara.Brunzell@countyofnapa.org
Cc: brian.bordona@countyofnapa.org
Subject: Thank for your service

Dear Ms. Dameron and Ms. Brunzell,

I want to thank you for your intelligent consideration of the facts regarding the Vida Valiente Use Permit that led to your conclusions that this was a dangerous project for the location on a substandard rural road. You took a lot of heat from the proponents who went so far as to question your motives. You were accused of being uninformed because you had not visited the site during one of their guided tours. And you were treated misogynistically by Commissioner Mazotti, who seemed to imply that now that you had heard the men speak, perhaps you women would want to reconsider your positions. You stayed strong through all of it and simply reiterated your valid concerns. Thank you.

I was very disappointed that Chairman Whitner had his thumb so heavily on the scale that he almost

tipped the table over. Planning Commission decisions should be made on the basis of facts, and proponents and opponents should have an equal opportunity to present them. Whitmer granted Applicant's representative, Donna Olford, an unlimited period of time to present their project, and the right of rebuttal after public comment. The rest of us got 3 minutes which is inadequate to really make much of a case. But worse, when Whitmer realized the permit was about to be denied, he reopened public comment, gave Olford and Drumwright unlimited time to make their last-minute plea, then slammed the public comment period closed when I approached the podium. A couple of Brown Act violations may have occurred there, but more importantly, it just shows the length to which the Chair will misuse his power to sway an outcome.

I was disappointed in the testimony of Fire Marshall Jason Downs who claimed he had only just learned of the project but was ready to downplay its impact without further consideration. He stated that he was on the 3rd engine to respond to the Glass Fire. As an aside, I was one of the first to call it in at 4:00 when I looked out the bedroom window and saw Bell Canyon ablaze just a couple of miles away. Nonetheless, he said that his engine had no problem accessing the area on the narrow Crystal Springs Road. Of course, driving the road at 4:00 AM with no other traffic is quite different than navigating at 10:00 PM with a bunch of intoxicated wine club members who have just left their big party. Furthermore, approaching a narrow section of road with flashing lights, siren, and air horn, leaves little doubt as to what oncoming traffic is supposed to do. It's an entirely different matter when folks are running for their lives with their cars loaded with family and pets and not sure whether to evacuate north or south. All it would take is one car to get stuck in the ditch I keep referring to and the road would become blocked.

And speaking of the ditch, I believe Commissioner Dameron referred to the photo of my truck and my neighbors' truck trying to pass the narrow section below my house in the 700 block. I took one for the team and drove into the ditch to prove a point. That's the only way 2 pickups can pass one-another. Yes, it was staged, but it is an accurate representation of an everyday occurrence here. Commissioner Mazotti seemed to infer that the picture was fake, and that Commissioner Dameron was foolish to rely upon it. I will invite him to bring his pickup over and he can be the one to drive into the ditch.

I thought Engineer Kazmi's testimony was just mumbo-jumbo. He had miraculously come to the same conclusion for 2 large events as he had for just one. He reiterated the Applicant's position that the traffic mitigation measure was sufficient to address all traffic issues. And he repeated their fallback position that, if there was an emergency, one could always use the southern route as well.

Director Lederer made his position as to the quality of Napa County Roads pretty clear and merely confirmed my opinion of the Roads Division in general. I have reported the dangerous conditions of CSR to the Public Works Department over the past 25 years. Rarely have I gotten the courtesy of a reply. In my letter to the department from 2014 I reported that the narrow portion of the road below my house was 14' wide and eroding steadily. It is now 12'. The neighbors and I are largely on our own to clear the culverts in the winter to prevent flooding. He seems content to fall back on the position that some of the County roads are very old and are substandard. His position seems to be that he has no intention of ever improving them, take it or leave it.

I will repeat what I have written previously. Level of Service (LOS) is the wrong standard to apply. LOS only measures how congested a road is, i.e., does traffic flow smoothly or not? It does not measure safety, or any other the many factors that make for a modern, safe road. To achieve a grade of C or less, there would have to be regular traffic backups resulting in delays of many minutes. We are not suggesting that. The County [of Napa Pavement Management Program PCI Map Book](#), is a much better guide to the quality of the road. Map 54 shows Crystal Springs Road as "Poor" (equivalent to a grade of "D"). Applicant's own traffic engineers provided verifiable width measurements for Crystal Spring Road along its entire length. There is no disagreement as to the road quality!

We will continue to organize, educate ourselves and forward relevant information to all of the Commissioners, but in particular, you two, so your positions will be bolstered by facts. Should either of you wish to visit the neighborhood I would be happy to provide a guided tour, free of false platitudes or heavy sales tactics. I am more than willing to let the facts speak for themselves.

With great respect and deep thanks,

Larry Vermeulen
670 Crystal Springs Road
707-287-0843

From: Deborah Eppstein <deppstein@gmail.com>
Sent: Friday, January 5, 2024 10:02 AM
To: Gallagher, Joelle <joelle.gallagher@countyofnapa.org>; Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Cottrell, Anne <anne.cottrell@countyofnapa.org>; alfredo.petroza@countyofnapa.org; Ramos, Belia <Belia.Ramos@countyofnapa.org>
Cc: SAFRR <firesaferoadregs@gmail.com>
Subject: Fwd: State Minimum Fire Safe Regulations and Vida Valiente Winery

[External Email - Use Caution]

Dear Napa County Supervisors,

The State Alliance for Firesafe Road Regulations (SAFRR) works to ensure that California's public safety road standards provide for safe and concurrent evacuation and firefighter access, and to help local jurisdictions properly implement the 2023 Title 14 State Minimum Fire Safe Regulations ("State Regulations"). These regulations have been in effect since 1991. If they had been properly enforced for new development, this would have prevented many of the losses from wildfires in recent years. In light of recent events in Napa County, in which the State Minimum Fire Safe Regulations were not properly included in a permit hearing evaluation, we thought you would appreciate the following.

SAFRR would be happy to discuss if that would be helpful.

Sincerely,

Deborah Eppstein, PhD

Director, State Alliance for Firesafe Road Regulations

Begin forwarded message:

From: Deborah Eppstein <deppstein@gmail.com>

Subject: State Minimum Fire Safe Regulations and Vida Valiente Winery

Date: January 5, 2024 at 9:28:00 AM PST

To: kara.brunzell@countyofnapa.org, dave.whitmer@contyofnapa.org,
heather.phillips@contyofnapa.org, andrew.mazotti@countyofnapa.org,
megan.dameron@countyofnapa.org

Cc: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>, Jason Downs
<firedepartment@countyofnapa.org>, Brian Bordona <Brian.Bordona@countyofnapa.org>, SAFRR
<firesaferoadregs@gmail.com>



SAFRR

State Alliance for Firesafe Road Regulations

firesaferoadregs@gmail.com

January 5, 2024

To the Planning Commissioners of Napa County

planningcommissionclerk@countyofnapa.org

The State Alliance for Firesafe Road Regulations (SAFRR) works to ensure that California's public safety road standards provide for safe and concurrent evacuation and firefighter access, and to help local jurisdictions properly implement the 2023 Title 14 State Minimum Fire Safe Regulations ("State Regulations").

SAFRR sent you a letter on December 4 (re-attached for convenience), asking that you deny the winery permit application P20-00079 by Vida Valiente, as its approval would violate the State Regulations and jeopardize the safety of residents and firefighters due to subpar access roads. We appreciate the concerns with the road some of you expressed at the hearing, although violations of State Regulations were not addressed.

We understand that the Fire Marshal does not apply the State Regulations to public access roads when assessing suitability for new development. We do not know his reasoning, and he has not responded to our request to discuss. To ensure that you, the decision makers, understand the State Regulations, SAFRR is providing you with a short summary of some of the requirements. We appreciate your challenges in ensuring safety and meeting state laws that may not be popular with local developers and

county officials, and hope that this summary (attached) of those State Regulation will help inform your decisions going forward.

In brief, the State Regulations apply equally to public and private roads that provide access a proposed new development. If roads do not meet the minimum standards in the State Regulations, new development cannot occur unless the roads are improved to meet the minimum requirements (e.g., two 10-ft wide traffic lanes, dead-end road length limits, and much more). The Napa County Road and Street Standards exempt existing roads whereas the State Regulations do not have this exemption. State law specifies that, as this local regulation does not meet the minimum standards of the State Regulations and furthermore, as it has exemptions not in the State Regulations, it does not replace the State Regulations. As previously noted, roads do not need to be improved to meet State Regulations for post-fire rebuilds as that is not new development, but rather just replacing what burned.

We are also providing this information to the Napa County Board of Supervisors.

SAFRR would be happy to discuss if that would be beneficial.

Sincerely,

Deborah Eppstein, PhD

Director, State Alliance for Firesafe Road Regulations (SAFRR)

Attachments: December 4, 2023 letter to Napa Planning Commissioners
Summary of Road Requirements of the 2023 State Minimum Fire safe Regulations

Cc: Brian Bordona, Director of Planning Brian.Bordona@countyofnapa.org

Jason Downs, Fire Marshal firedepartment@countyofnapa.org

SAFRR firesaferoadregs@gmail.com

Deborah Eppstein, PhD

deppstein@gmail.com

Deborah Eppstein

deppstein@gmail.com