

“C”

Initial Study/Mitigated Negative Declaration

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

Initial Study Checklist
(form updated January 2019)

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

Discussion:

- a/b/c Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken-in. As generally described in the Environmental Setting and Surrounding Land Uses section above, this area is defined by a mix of 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?	☐	☐	☐	☒
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
	c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	☐	☐	☒	☐
	d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	☐	☐	☒	☐
	e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

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?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	☐	☐	☒	☐

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (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?	☐	☐	☒	☐
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
	c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion:

a/b. The 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.

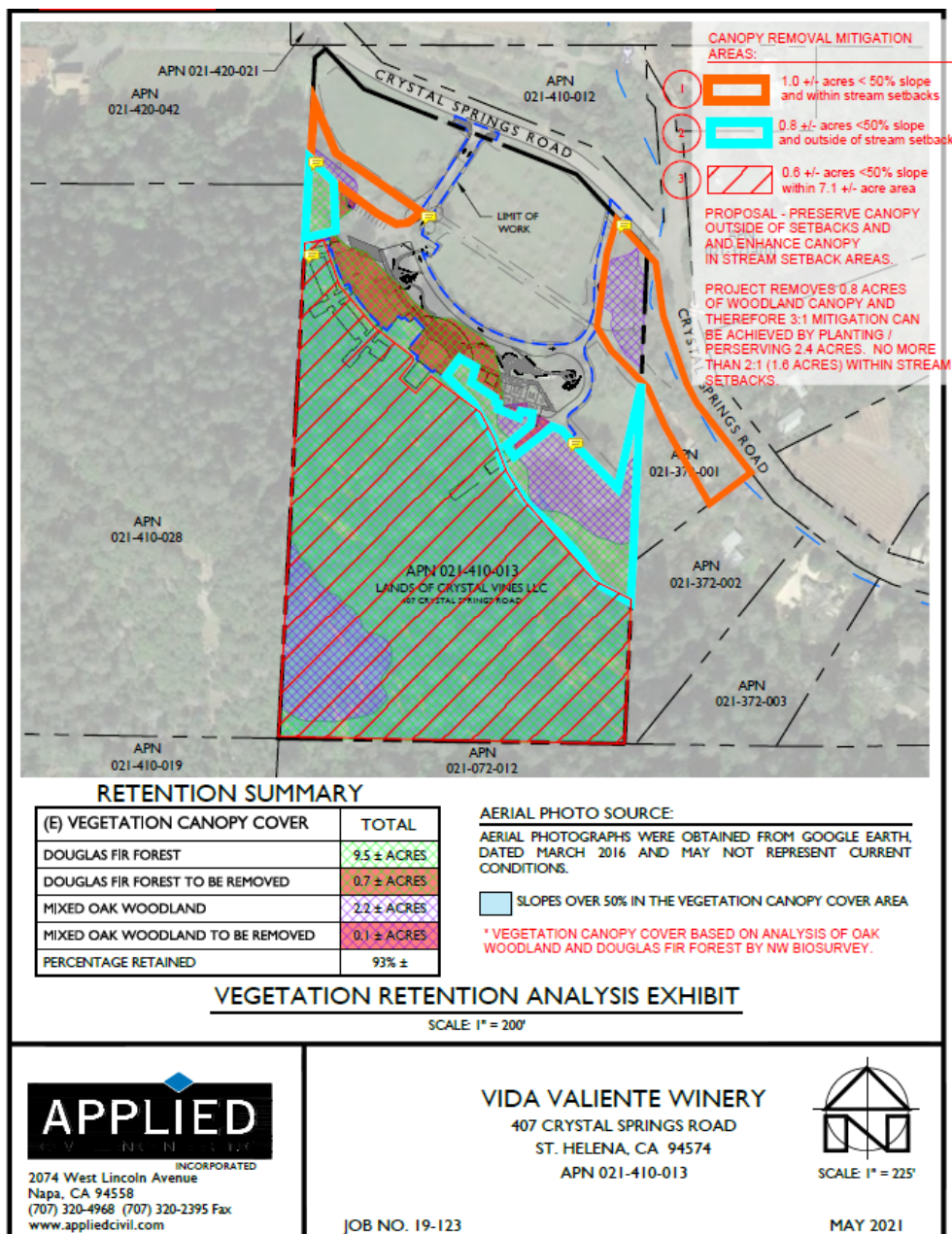
- c. The National Wetlands Inventory identifies Bell Creek as a Freshwater Emergent Wetland. There are no other identified state or federally protected wetlands located within or adjacent to the project. The project would not have a substantial adverse effect on Bell Creek. No development is proposed 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 acres, 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?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Discussion:

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

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.	☐	☐	☒	☐
	ii) Strong seismic ground shaking?	☐	☐	☒	☐
	iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	iv) Landslides?	☐	☐	☒	☐
	b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
	d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	☐	☐	☒	☐

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☒ | ☐ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ |

Discussion:

- a. i) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing a known fault.
- ii) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.
- iii) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. 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?	☐	☐	☒	☐
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion:

On April 20, 2022, the 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

(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?	☐	☐	☒	☐
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

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

Discussion:

- a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less than significant impact.
- b. Hazardous materials such as diesel, maintenance fluids, and paints would be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of the continued operations of an existing winery that would not be expected to use any substantial quantities of hazardous materials. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the 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?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐

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

Discussion:

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

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 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?	☐	☐	☒	☐
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Discussion:

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

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” The property’s General Plan land use designation is AWOS (Agriculture, Watershed, and Open Space), 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?	☐	☐	☐	☒
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion:

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

Mitigation Measures: None are required.

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

excessive noise levels?

Discussion:

- a/b. The project would result in a temporary increase in noise levels during grading and construction activities for the proposed winery tasting room, 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)?	☐	☐	☒	☐
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion:

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

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

Discussion:

Public services are currently provided to the project site and the additional demand placed on existing services would be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire 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?	☐	☐	☒	☐
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion:

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

project would have no impact.

Mitigation Measures: None are required.

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

Discussion:

- a. 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	☐	☒	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Discussion:

- a/b. On 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 sides 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?	☐	☐	☒	☐
	b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
	c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
	d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
	e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

- a. As discussed in detail in Section VII. Geology and Soils, a Wastewater Feasibility 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?	☐	☐	☒	☐
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion:

- a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The 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?	☐	☐	☒	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:

- a. The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community or substantially reduce the number or restrict the range of a rare or endangered plant or animal species. 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.

PROJECT REVISION STATEMENT

Vida Valiente Winery Use Permit No. P23-00079

I hereby revise Vida Valiente Winery Use Permit No. P23-00079 to establish a 30,000-gallon winery, construct 17,722 sq. ft. winery facility, construct 13,675 sq. ft. of cave, and establish a visitation and marketing program, located on a 16.93-acre and 1.15-acre parcels at APN: 034-030-061 & 021-372-001-000; Napa, CA 94558, to include the six (6) measures specified below:

- 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:
- 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.
 - 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.
 - 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.
 - Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
 - Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.
- MM BIO-2:** The applicant shall obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the State 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.
- 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.
- 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.

- 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:
- o 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.
 - o 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.
 - o 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.
 - o 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.
 - o 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.

- 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.

Hayes Drumwright further commit themselves and successors-in-interest to (a) inform any future purchasers of the property of the above commitments; (b) include in all property leases a provision that informs the lessee of these restrictions and binds them to adhere to them, and (c) inform in writing all persons doing work on this property of these limitations.

Hayes Drumwright understands and explicitly agrees that with regards to all California Environmental Quality Act and Permit Streamlining Act (Government Code Sections 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date on which an executed copy of this project revision statement is received by the Napa County Department of Planning, Building and Environmental Services.

 _____
Hayes Drumwright
(Owner)

_____ 11/2/23
Date

Vida Valiente Winery Use Permit No. P20-00079
Mitigation Monitoring and Reporting Program

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-1: Spotted Owl. Spotted owls are known to occur in the area and could also nest near the project site. Construction, earthmoving, and disturbance activities associated with the project could disturb spotted owl nests. Therefore, the following measures shall be implemented to reduce potential impacts to these special status species.	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: - 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 (within 0.25-miles of project activities). The preconstruction survey shall follow the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. 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. - 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. - 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 for raptors may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species	The above measures shall be incorporated with grading permit processing and survey recommendations shall be implemented in conjunction with tall construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.	P	PD & CDFW	PC ____/____/____

Notes: P = Permittee, PD = Planning Division, CDFW = California Department of Fish and Wildlife, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	as determined by a qualified biologist in consultation with County PBES Planning Division and the USFWS and/or CDFW. If nesting Northern Spotted Owl are detected during surveys, the project shall immediately notify CDFW and implement a 0.25-mile no-disturbance buffer zone around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and August 1 for each year, unless otherwise approved in writing by CDFW. Alternative buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northern California, dated October 1, 2020. Alternative buffers must be approved in writing by 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. f. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal Endangered Species Act (ESA).				

Notes: P = Permittee, PD = Planning Division, CDFW = California Department of Fish and Wildlife, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-2: Lake or Streambed Alteration Agreement. The applicant proposes convert a manmade drainage, that leads to a blue line stream, into a riparian habitat and restore existing riparian habitat. A Lake or Streambed Alteration Agreement may be required prior to completing the work.	MM BIO-2: The applicant shall obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the State 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.	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.	P	PD	PC ____/____/____
Impact BIO-3: Wildlife Corridor BIO-3 shall ensure fencing is not installed to maintain existing paths of travel for wildlife.	MM BIO-3: 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.	Prior to the issuance of grading/building permits, the applicant shall submit a fencing plan to the PBES department for review.	P	PD	PC ____/____/____

Notes: P = Permittee, PD = Planning Division, CDFW = California Department of Fish and Wildlife, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact CUL-1: Obsidian artifacts and Prehistoric activities To better understand if the obsidian artifacts in the Project Area can contribute information about the prehistoric activities associated with the procurement and processing of obsidian, it is recommended that further testing be conducted. Further testing should focus on the areas that are chosen for development, but may also include areas outside of the proposed development areas if needed to determine eligibility and integrity.	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.	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.	P	PD	PC ____/____/____

Notes: P = Permittee, PD = Planning Division, CDFW = California Department of Fish and Wildlife, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact CUL-2: Archaeological Monitoring Given the number of artifacts that have been identified within the Project Area and the high potential of encountering buried archaeological resources, archaeological monitoring of Project-related ground-disturbing activities shall be required.	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 work day, 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	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.	P	PC	PC ____/____/____ OG ____/____/____

Notes: P = Permittee, PD = Planning Division, CDFW = California Department of Fish and Wildlife, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.				
Impact TRANS-1: Promotional Material and Signs Given the existing width of the southern section of Crystal Springs Road, promotional material and signs shall direct guests to the northern section of Crystal Springs Road.	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. A directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.	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.	P	PC/OG	PC __/__/__ OG __/__/__

Notes: P = Permittee, PD = Planning Division, CDFW = California Department of Fish and Wildlife, PC = Prior to Project Commencement, OG = Ongoing