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**Planning, Building & Environmental Services**

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**Brian D. Bordona**  
Director

**MEMORANDUM**

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| To: Zoning Administrator | From: Hannah Spencer, Planner III |
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| Date: August 27, 2025 | Re: Marineau-Mes Accessory Structures Viewshed; Application No. P25-00207-VIEW (formerly P25-00121)<br>Addendum to Previously Adopted Mitigated Negative Declaration |
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**Project Title:** Marineau-Mes Accessory Structures Viewshed Protection Program, Application No. P25-00207-VIEW (formerly P25-00121).

**Project Location and Assessor's Parcel Number:** 4000 Silverado Trl. N, Angwin, CA 94515; Assessor's Parcel No. 021-010-079.

**Project Sponsor Contact Person:** Jessica Stuenkel with Feldman Architecture Steve & Judith Padis, 1648 Pacific Ave., Suite B San Francisco, CA 94019, (415) 856-9083, or [jstuenkel@feldmanarch.com](mailto:jstuenkel@feldmanarch.com)

**Napa County Contact Person:** Hannah Spencer, Planner III, Planning, Building & Environmental Services, Planning Division 1195 Third Street, Suite 210, Napa, CA 94559 (707) 253- 4018, or [hannah.spencer@countyofnapa.org](mailto:hannah.spencer@countyofnapa.org)

**Introduction:**

On April 28, 2021, the Zoning Administrator held a public hearing, adopted a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA Public Resources Code Section 21000 et seq.), and conditionally approved the Marineau-Mes Residential Viewshed permit

Application No. P20-00230 to allow a new 3,992 square-foot residence, a 2,329 square-foot detached garage with an accessory dwelling unit on the second floor, and associated improvements including a new driveway, pump house, three water tanks, a pool, and plans for tree retention and landscaping to substantially screen the development from view from Silverado Trail. After a Lot Line Adjustment was processed in 2022, the subject property increased in size from 4.07 acres to 5.67 acres. Later in 2022, the Planning, Building and Environmental Services Department (PBES) began issuing development permits for the Marineau-Mes Residence Viewshed permit. Construction on the existing development is expected to be completed by fall 2025.

On August 13, 2024, the PBES Director adopted an MND and approved an erosion control plan for a 1.09-acre vineyard on the property under Application No. P22-00212-ECP. The erosion control plan is a separate, independent project under CEQA and is not analyzed in this Addendum.

### **Proposed Project:**

On April 24, 2025, the applicant submitted a Viewshed Application to add a pool house and a barn to the preapproved site plan for the Marineau-Mes Residence Viewshed project. The proposed additions consist of 1) a new 22-foot-tall, 1,085 square foot pool house surrounded by a 665 square-foot outdoor patio with trellis, handrails, and a concrete retaining wall and stairs connecting to an existing pool patio; 2) a new 15-foot tall, 300 square-foot barn near the vineyard, pump house and water tanks located in the southern portion of the property; 3) a new landscaping plan to add two 48-inch box Coast Live Oak trees and two new 15-gallon Catalina Cherry shrubs; and 4) a new drainage swale and storm drain inlets that tie into the existing drainage system onsite. The project is located on a 5.67-acre site within the AW (Agricultural Watershed) zoning district, on the east side of a Silverado Trail N, approximately 0.35 miles south of Larkmead Lane and 2.9+/- miles south of the City of Calistoga; APN: 021-010-079. 4000 Silverado Trl. N, Angwin. The application materials, including the project's plans, are available for review on the Department's website "Current Projects Explorer" which can be accessed here: [https://www.countyofnapa.org/2876/Current- Projects-Explorer](https://www.countyofnapa.org/2876/Current-Projects-Explorer)

### **Statutory Background:**

Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration (ND) may be prepared if only minor technical changes or additions are necessary *or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have*

*occurred*. An addendum is appropriate unless, the lead agency determines based on substantial evidence in the record, one or more of the following occurs: (a) substantial changes are proposed in the project which will require major revisions of the prior ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (b) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the prior ND; or (c) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the prior ND was adopted such as new significant effects, more severe significant effects, mitigation measures previously found infeasible are feasible, or there is feasible mitigation that the applicant declines to adopt (Section 15162). The addendum need not be circulated for public review [CEQA Guidelines Section 15164(c)]; however, the decision-maker must consider the addendum along with the previously-adopted environmental document prior to making a decision on the project (CEQA Guidelines Section 15164 (d)).

This Addendum along with the project materials and administrative record demonstrates that the environmental analysis and impacts identified in the previously adopted MND for the Marineau-Mes Residence Viewshed remain substantially unchanged by adding the pool house, barn and associated improvements, and that there is no new information of substantial importance or any significant changes to the project that require preparation of a subsequent MND.

This Addendum is prepared to the Marineau-Mes Residence Viewshed MND adopted in 2021 under File No. P20-00230. A copy of the 2021 MND is available for review at the offices of the Napa County Planning, Building and Environmental Services Department, 1195 Street, Second Floor, Napa, California, in the custody of the PBES Interim Director. It is also available for review on the Department's website "Current Projects Explorer" at: <https://www.countyofnapa.org/2876/Current-Projects-Explorer>

#### **Staff Analysis:**

The following discusses the changes and additions to the 2021 adopted MND that would result from the proposed Project:

## **1. Proposed Accessory Structures:**

The 2021 MND analyzed a new residential complex with associated infrastructure and improvements, including a swimming pool and patio located at 318 feet above mean sea level (msl), approximately 50 feet from the main dwelling. The project proposes to add a residential accessory structure consisting of a 1,085 square-foot pool house with a surrounding 665 square-foot outdoor patio above the existing swimming pool, constructed at 324 feet above msl, approximately 50 feet from the existing single-family dwelling. Associated improvements include new trellising, handrails, a concrete retaining wall, and stairs that connect to the swimming pool patio. The pool house will utilize the existing driveway and pathways approved under the Marineau-Mes Residence Viewshed project.

The project also proposes a 300 square-foot barn in the southeastern portion of the property next to the existing vineyard and water tank/pump house infrastructure. The barn would be constructed at 320 feet above msl and utilize an existing dirt road.

Due to the relatively small building footprints and use of existing access features, the project does not result in substantial changes to the natural landforms and topography of the site. Grading will be limited to the creation of the foundation for the pool house and barn. Additionally, the proposed work areas are within areas previously disturbed by construction activities authorized by the Marineau-Mes Residence Viewshed and ECP project approvals. As a result, no trees or vegetation is proposed for removal to accommodate the new buildings.

Existing and proposed landscaping will visually screen the pool house and barn consistent with the County's viewshed protection manual. The architectural design of each structure will utilize dark earth tone and non-reflective materials and colors. All exterior lighting will be designed to minimize nighttime light disruption and visual glare. As such, the project would not degrade the existing character of the site and its surroundings, and impacts would be less than significant.

## **2. Stormwater Control Features:**

The 2021 MND analyzed standard stormwater quality treatment controls to treat runoff prior to discharge from the property, including a drainage swale running behind the single-family dwelling and pool. The project proposes to tie into the existing drainage system by adding a drainage swale and two storm drain inlets behind the pool house. Stormwater would be captured above the pool house and ultimately dispersed through existing level spreaders in the lower vineyard onsite.

### 3. Water Use:

The 2021 MND determined the total projected water demand for the Marineau-Mes Residence viewshed plus the 0.75-acre lower vineyard would result in a modest increase on the demand of groundwater supplies based on Napa County Water Availability Guidance Document, appendix B. On June 25, 2024, HDVine LLC prepared an updated parcel-specific Water Availability Analysis for the 1.09-acre vineyard project (2024 WAA). The 2024 WAA estimated the property's total groundwater usage at 1.64 AF/yr and the property's groundwater recharge to be 2.45 AF/yr, resulting in a net positive water balance of 0.8 AF/yr. Vineyard water demand was estimated at 0.56 AF/yr while the residential uses (main dwelling, accessory dwelling unit, pool, landscaping) were estimated to require 1.08 AF/yr. Conditions of Approval of P22-00212-ECP limit pumping capacity to a maximum of 10 gallons per minute to minimize impacts to Dutch Henry Creek, a designated Significant Stream (notated as Biter Creek on some maps), and a neighboring well. Prior to final on the 1.09-acre vineyard, the landowner must install a flow regulation device on the project well.

Considering the property's 2024 water balance for existing uses is estimated at a net positive of 0.8 AF/yr, and that the proposed new water uses include minor additions to landscaping, a pool house, and no new dwelling units; it can be assumed the project's increase in water demand will not result in a potentially significant impact to groundwater resources. Even if the proposed water demand matched that of a full-time accessory dwelling unit (0.20 to 0.50 AF/yr based on Appendix B of Napa County Water Availability Guidance Document), the property would still be expected to remain below the annual rate of recharge. Additionally, no increase in water use is assumed for the barn as there are no proposed plumbing fixtures or water lines identified on project plans. Because the existing and proposed estimated groundwater use would be close to 90% of the annual rate of recharge, a condition of approval limiting groundwater to use 2.205 acre-feet<sup>1</sup> per year has been incorporated into the project.

### 4. Public Trust:

The public trust doctrine requires the state and its legal subdivisions to "consider," give "due regard," and "take the public trust into account" when considering actions that may adversely affect a navigable waterway. (*Environmental Law Foundation v. State Water Resources Control Bd.*; *San Francisco Baykeeper, Inc. v. State Lands Com.*) There

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<sup>1</sup> 2.205 acre-feet of groundwater represents 90% of the property's annual recharge volume as calculated in the *Sebastien Marineau-Mes Vineyard Water Availability Analysis*, prepared by HDVine LLC, dated June 2022 (Revised June 25, 2024).

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 noted above, a Water Availability Analysis (WAA) was prepared as part of the vineyard project. The WAA included a review of potential impacts to surface waters due to the proximity of Dutch Henry Creek (notated as Biter Creek on some maps) which is approximately 650 feet west of the project well. The County’s WAA Guidance Document provides well set-back standards and construction criteria in Tables 3, 4 and 5 that if met would be expected to preclude any significant adverse effects on surface waters. Per the WAA Guidance Document, very low flow wells (up to 10 gpm) located 500 feet or more away from a surface water channel would be expected to preclude any significant adverse effects on surface waters. The project well meets this criteria and therefore the County has satisfied its duty to consider impacts to trust resources and no further analysis is required.

### **Summary and Findings:**

The findings and mitigation measures contained in the 2021 MND remain valid and no new impacts or increases in previously analyzed impacts have been identified. All the applicable 2021 MND mitigation measures for biological and tribal cultural resources (BIO-2, TCR-1, TCR-2, TCR-3, and TCR-4) have been incorporated into the proposed project conditions of approval as construction activities could result in ground disturbance during the general bird nesting season and/or accidental discovery of buried archeological resources. Mitigation Measure BIO-1 is not applicable as the project does not propose tree removal and as a result, would not trigger the mitigation measure’s requirement to prepare a bat habitat assessment prior to tree removal.

Thus, staff concludes that the addition of the pool house, barn, and associated improvements will not result in new impacts beyond those analyzed in the Marineau-Mes Residence MND adopted in 2021, as further explained in the discussion above. None of the conditions described in Section 15162 of the

CEQA Guidelines calling for preparation of a subsequent negative declaration have occurred, and thus, an Addendum to the Marineau-Mes Residence MND is appropriate to satisfy CEQA requirements for the proposed project.

The following findings are provided in accordance with CEQA Section 15164(e) concerning the decision not to prepare a subsequent negative declaration pursuant to CEQA Guidelines Section 15162:

- a) None of the following conditions calling for preparation of a subsequent mitigated negative declaration have occurred:
  - 1) Substantial changes are proposed in the project which will require major revisions of the Marineau-Mes Residence MND due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
  - 2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the Marineau-Mes Residence MND due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or
  - 3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the Marineau-Mes Residence MND was adopted, shows the following:
    - A. The project will have one or more significant effects not discussed in the Marineau-Mes Residence MND;
    - B. Significant effects previously examined will be substantially more severe than previously shown in the Marineau-Mes Residence MND;
    - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - D. Mitigation measures or alternatives which are considerably different from those analyzed in the Marineau-Mes Residence MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to

adopt the mitigation measure or alternative.

This Addendum to the Marineau-Mes Residence MND finds that actions under the proposed project, as identified herein, will not result in any new significant environmental effects nor result in the substantial increase of any previously identified impacts in the previous MND.

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, other sources of information listed in the file, and comments received; conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary a visit to the site.