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**Public Comments received on or before
April 16, 2025**



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 11, 2025

Kelli Cahill, Planner III
Napa County
1195 Third Street
Napa, CA 94559
Kelli.Cahill@countyofnapa.org

Subject: Wrights Corner Use Permit Modification P22-00241, SCH No. 2025030679,
Initial Study/Negative Declaration, Napa County

Dear Ms. Cahill:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Wrights Corner Use Permit Modification P22-00241 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the IS/MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: The Wright Corner, Inc. (Owner)

Objective: The Project involves the change in use to three existing structures on the subject property, including; 1) converting an existing 2,738 square foot (sf) three bedroom residence into an inn with eight guest rooms and construction of five new stand-alone guest cottages of 645 sf each with private events for guests of the inn; 2) converting an existing bike rental/guided tour and luxury tour car staging business to a beer and wine tavern; 3) converting an existing furniture store with art, antique, and retail products to a mercantile store with wine tastings; 4) adding a mobile concession

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trailer for the sale of coffee and morning snacks; 5) adding a bathroom with attached storage room for patrons; 6) site improvements to meet Napa County Roads and Street Standards for the commercial driveway, and construction of 28 additional parking for a total of 36 on-site; and 7) upgrading the septic system prior to conversion of the residence to lodging.

Location: The Project is located on Assessor's Parcel Number 047-110-017-000, at approximately 38.25676°N, -122.33886°W, 4370 (also addressed as 4372 and 4374) Old Sonoma Highway; Napa, CA 94559, Napa County.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Swainson's hawk (*Buteo swainsoni*), a State listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and in **Attachment 1** Draft Mitigation Monitoring and Reporting Program, CDFW concludes that a **Mitigated Negative Declaration** is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

And,

Would the Project 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 CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Swainson's Hawk

Issue: The IS/NEG does not acknowledge potential impacts to nesting Swainson hawk (*Buteo swainsoni*) near the Project site resulting from Project activities. According to the California Natural Diversity Database (CNDDDB) a nesting Swainson's hawk was observed in 2013 approximately 0.25-mile south of the Project site.

Specific impacts and why they may occur and be significant: The 2013 CNDDDB record indicates that Swainson's hawk used habitat near the Project area for nesting, and the species is known to have high nest site fidelity, meaning they return to the same site year after year (Estep 1989, Woodbridge et al. 1995). The documented nest location is within the Caneros Creek riparian corridor, which also runs adjacent to the Project site, and Swainson's hawk are known to nest in riparian habitat, therefore they could nest very close to the Project site. If impacts to Swainson's hawk are not assessed, and appropriate avoidance measures are not provided, the Project could have the potential to impact nesting Swainson's hawk through auditory or visual disturbances above ambient levels within 0.5 miles of the Project site. Disturbances from Project activities may result in Swainson's hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young. Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in

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the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA, CDFW recommends including the mitigation measure below.

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

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form

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can be filled out and submitted online at the following link:
<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/NEG to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse No. 2025030679

REFERENCES

Estep, J.A. 1989. Biology, movements, and habitat relationships of the Swainson's Hawk in the Central Valley of California, 1986–87. California Department of Fish and Game, Nongame Bird and Mammal Section Report

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Woodbridge, B. 1998. Swainson's Hawk (*Buteo swainsoni*). In The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian-associated birds in California. California Partners in Flight.

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-1	<p><u>Mitigation Measure BIO-1</u>: Swainson's Hawk Surveys and Avoidance Buffer: If Project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved</p>	Prior to Ground Disturbance	Project Applicant

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	by CDFW in writing. Any detected nesting Swainson’s hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson’s hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.		
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WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559

VOICE: (707) 681-5111

EMAIL: GENERAL@WATERAUDITCA.ORG

April 15, 2025

To Napa County Planning Commission

Sent via email to: meetingclerk@countyofnapa.org

RE April 16, 2025
Agenda Item 7B. WRIGHTS CORNER INC. / WRIGHT'S CORNER / USE
PERMIT MAJOR MODIFICATION NO. P22-00241-MOD ("Application")

To whom it may concern:

Water Audit California ("Water Audit") is a public benefit corporation with a mission to protect the public trust. The following comments are submitted on its own behalf, and in the public interest.

The Applicant proposes to expand the approved employees from three (3) to eight (8), and visitation from approved seventeen (17) per day to a proposed ninety (90) per day. Additionally, event programs are proposed to increase the presently approved three (3) annual events with fifty (50) people by an additional four (4) monthly events with up to 85 people.

Comments submitted by California Department of Fish and Wildlife ("CDFW") reject a Negative Declaration and require mitigation conditions. Water Audit California concurs with CDFW and further comments:

1. Mitigation must include consideration of the toxic character of the site.

Not in the Agenda packet but found on County Electronic Document Retrieval database is a 2017 Well Notice UST # NAPA 0602 HAZFAX #283:

**"THIS PARCEL IS ON THE NAPA COUNTY LIST OF CONTAMINATED SITES.
PRIOR TO ISSUANCE OF ANY WELLS ON THIS OR ADJOINING PARCELS
(OR WITHIN THE GENERAL AREA) - CONTACT THE HAZARDOUS**

MATERIALS DIVISION OF THIS DEPARTMENT AND CHECK THE CONTAMINATED SITE MAPS." (see attached)

2. Mitigation must include the requirement for a public water system.

Previous conditions of approval by prior planning review did not require a regulated small public water system. (Agenda Packet page 80/1 Attachment C. Previous Project Conditions). Present Conditions of Approval must include installation of a small public water system and installation of new well.

Environmental Health Services recommended draft conditions of approval for this project and required that the water supply and related components comply with the California Safe Drinking Water Act and Related Laws. (Agenda Packet page 60 Attachment B. Conditions of Approval Memorandum Environmental Health Services dated 4/15/2024; See also the County website "Water System Information for Use Permits" dated January 5, 2005, revised December 6, 2016, hosted at <https://www.countyofnapa.org/DocumentCenter/View/10959/Water-System-Information-for-Use-Permits-2025?bidId=>).

At page 1:

"If your project will be regulated as a small public water system, a water system feasibility report will be required as a completeness item at the time a Use Permit application is submitted. This report ensures that the proposed project can satisfy the technical, managerial and financial requirements set forth by the Water Board and must include the information listed on the attached worksheet. There is a possibility that existing wells may not meet the construction requirements for a regulated water system. If the source does not meet the requirements, a new water supply will have to be developed, which must be reflected in the feasibility report." (emphasis added)

At page 2:

"Water supply capacity. Can the water system (including all sources and storage facilities) supply a minimum of three gallons per minute for at least 24 hours for each service connection served?" (emphasis added)

The Applicant Checklist included: "Additional Information Required by the Environmental Health Department." In conformity with state law, the information listed includes the Water Supply Feasibility Study and Completed Business Activities form. These two documents are **NOT** included in the application.

Distinguished from the similarly named Water Availability Analysis, which deals with the quantum of water necessary, the Water System Feasibility Report is a detailed

enumeration of the technical requirements, including water quality testing and reporting necessary when "the water supply system will serve 25 or more people inclusive of employees, visitors, and residents or if kitchen is proposed. See enclosed handout provided by Environmental Services." There is no "enclosed handout" in the agenda

The Current Project folder does not include a Water Supply Feasibility Study.

The CEQA posting has no Water Supply Feasibility Study (see <https://ceqanet.opr.ca.gov/2025030679>; see also Agenda Attachments compared with CEQA Attachments in attached exhibit.)

3. California requires all public water systems to have at least two sources of water.

The requirement for public water systems to have at least two sources of water – this ensures redundancy and helps to protect against water quality issues or disruptions. The specific requirements for these sources, including their capacity, quality, and reliability, are outlined in California's regulations, such as Title 22 of the California Code of Regulations. Thus, the second well must be considered in a revised Tier 3 Analysis.

The Public Works Department and Planning Engineering Division have different missions and duties which are being conflated with each other.

The COA Memorandum from the Planning Engineering Division dated March 21, 2025, states that it has reviewed the WAA and determined it complete and reasonable for "Vine Cliff Winery" This certification is perplexing as that is not the name of the applicant for this project, and the project proposed is not a winery.

Even if one is willing to overlook that the approval of the WAA the Planning Engineering Division is for the wrong project, that entity is **not** the Public Works Department. The Public Works Director has not determined the technical adequacy of the Water Availability Analysis and there is NO WATER FEASIBILITY STUDY.

The Conditions of Approval operational characteristics of the project related to groundwater management omits language "jointly implemented by Public Works"

4. Miscellaneous.

- The total groundwater consumption is not stated in the Conditions of Approval.

"The parcel shall be limited to 2.70 acre-feet of groundwater per year for all water consuming activities on the parcel", and "Water Management Demand Program." (see Agenda Packet page 37 Conditions of Approval 4.1 GROUNDWATER MANAGEMENT-WELLS)

- The Application Checklist has No Adjoining Property Owner List (see Agenda Packet page 122 Attachment E. Application; see also Agenda Packet page 139 Attachment E. Application)
- The Applicant Checklist struck out several "Technical Information and Reports" without explanation, including the Traffic Study, Archeological/Cultural Resources Study, and Water Availability Study. Nevertheless, and inconsistently, these three studies are included in the application (see Agenda Packet page 126 Attachment E. Application.)

The Traffic impact Study is using a Winery Worksheet. The trip calculations are based on "Winery" visitation and marketing events factors. The project is not a Winery. (see Agenda Packet page 227/8 Attachment G. Transportation Impact Study)

- The CEQA Summary Form for Document Submittal and Notice of Completion Reviewing Agency listed only CDFW. Neither document included the Reviewing Agencies SWRCB, Water Quality, CalTrans or neighboring cities.

Last, please see the following links and the attached exhibits to ensure a complete record.

1. Public Works About Us "Natural Resources Groundwater" <https://www.countyofnapa.org/1646/About-Us>
2. Public Works Organizational Chart 2025-01-27_NC_Public_Works_Org_Chart_202501280833058339 page 3 "Water Resources & R.I.Ds" <https://www.countyofnapa.org/DocumentCenter/View/3244/Public-Works-Department-Organizational-Chart-PDF>
3. COUNTY Public Works Watershed Management webpage "Managing and monitoring groundwater" <https://www.countyofnapa.org/1161/Watershed-Management>

Respectfully,



William McKinnon
General Counsel
Water Audit California

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Wrights Corner Use Permit Major Modification

Lead Agency: Napa County

Contact Person: Kelli Cahill

Mailing Address: 1195 Third Street, Suite 210

Phone: 707-259-8226

City: Napa

Zip: 94559

County: Napa

Project Location: County: Napa City/Nearest Community: Unincorporated/Nearest City - City of Napa

Cross Streets: Closest intersection Old Sonoma Road and Old Sonoma Highway Zip Code: 94558

Longitude/Latitude (degrees, minutes and seconds): 38 ° 15 ' 24.309 " N / -122 ° 20 ' 19.887 " W Total Acres: 2.35

Assessor's Parcel No.: 047-110-017-000

Section: 05N

Twp.: 04W

Range: 30

Base: MDM

Within 2 Miles: State Hwy #: Hwy 12 / Cameros Hwy

Waterways: Cameros Creek

Airports: n/a

Railways: n/a

Schools: n/a

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☒ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other: ☐
☐ Mit Neg Dec Other: ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other: ☐

Development Type:

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☒ Commercial: Sq.ft. 11183 Acres 2.35 Employees 5
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☒ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other: ☐

Present Land Use/Zoning/General Plan Designation:

Residence, Art Gallery, Bike rental/guided tour and luxury tour car staging business/Commercial Limited (CL) zoning district and Agriculture, Watershed, and Open Space (AWOS)/Agricultural Resources (AR) general plan designation

Project Description: (please use a separate page if necessary)

This application requests a change in use to three existing structures on the subject property, including: 1) converting an existing 2,738 sf three (3) bedroom residence into an inn with eight (8) guest rooms and construction of five (5) new stand-alone guest cottages of 645 sf each (totaling 3,175 sf) with proposed private events for guests of the inn, 2) convert an existing bike rental/guided tour and luxury tour car staging business to a beer and wine tavern, 3) convert an existing furniture store with art, antique, and retail products to a mercantile store with wine tastings, 4) addition of a new mobile concession trailer (130 sf) for the sale of coffee and morning snacks, 5) addition of a new 397 sf bathroom with attached storage room for patrons, 6) site improvements to meet Napa County Roads and Street Standards for the commercial driveway, and construction of 28 additional parking for a total of 36 on-site, and 7) upgrade the septic system prior to conversion of the residence to lodging.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

EXHIBIT 1

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # <u>3</u>	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date 3/13/25 Ending Date 4/15/25

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: Kelly C. Liel Date: 3/12/25

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Summary Form for Electronic Document Submittal**Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: _____

Lead Agency: _____

Contact Name: _____

Email: _____ Phone Number: _____

Project Location: _____

CityCounty

Project Description (Proposed actions, location, and/or consequences).

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Revised September 2011

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Provide a list of the responsible or trustee agencies for the project.

Request for Public Notice Distribution

(Check all required boxes. Any boxes left unchecked will not be completed).

ADMIN USE ONLY:

Date Completed: 3/13/25

By: ARV

Project Name: Wrights Corner Use Permit Modification

Project No(s): P22-00241-MOD

APN(s): 047-110-017

Project Planner: Kelli Cahill

1. Specify Type of Notice(s)

<input type="checkbox"/> Early Project Courtesy Notice	<input type="checkbox"/> CEQA – Notice of Exemption (NOE) Journal request adriana.franco@countyofnapa.org & meetingclerk@countyofnapa.org
<input checked="" type="checkbox"/> Notice of Public Hearing	<input type="checkbox"/> CEQA – Notice of Determination (NOD) Journal request adriana.franco@countyofnapa.org & meetingclerk@countyofnapa.org
<input type="checkbox"/> Notice of ZA Intent to Approve or Deny	<input type="checkbox"/> CEQA – Notice of Intent to Adopt an ND or MND
<input type="checkbox"/> Notice of Administrative Decision	<input type="checkbox"/> CEQA – Notice of Preparation of an EIR
<input type="checkbox"/> Other (specify):	<input type="checkbox"/> CEQA – Notice of Availability of and EIR

2. Select Notice Location(s)

<input checked="" type="checkbox"/> Napa Valley Register (Tues, Thurs, Sat) Publication Date: 3.13.25 3.5 25 ✓	<input checked="" type="checkbox"/> Properties within 1000 ft. of Project Site Mailing list provided. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<input type="checkbox"/> County Clerk (CEQA Notices, NOE & NOD) Filing/Posting Date:	<input checked="" type="checkbox"/> Interested Parties/CEQA Notification List
<input checked="" type="checkbox"/> Applicant Name: Kerry Smith Address(es)/email(s): thewrightcorner@earthlink.net kerry@kerrysmithwatercolors.com	<input type="checkbox"/> Representative Name: Address(es)/email(s):
<input checked="" type="checkbox"/> Property Owner Name: Address(es)/email(s): Same as applicant	<input type="checkbox"/> Nearest City(s), Town(s), or County(s) Address(es)/email(s):

3. Other Special Instructions

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A Tradition of Stewardship
A Commitment to Service

PUBLIC NOTICE

NOTICE OF PLANNING COMMISSION HEARING & NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

On Wednesday morning, the 16TH day of April 2025, at 9:00 a.m. at 1195 Third Street, Suite 305, Napa, California, a public hearing will be conducted by the Napa County Planning Commission regarding the project identified below. All interested persons are invited to attend the hearing and be heard.

Wrights Corner – Use Permit Major Modification #P22-00241-MOD

Location: 4370 (also addressed as 4372 and 4374), Old Sonoma Highway Napa - Assessor's Parcel No. 047-110-017; 2.35 acres

Zoning and General Plan Designation: Commercial Limited (CL) zoning district and Agriculture, Watershed, and Open Space (AWOS)/Agricultural Resources (AR) general plan designation.

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: This application requests a change in use to three existing structures on the subject property, including; 1) converting an existing 2,738 sf three (3) bedroom residence into an inn with eight (8) guest rooms and construction of five (5) new stand-alone guest cottages of 645 sf each (totaling 3,175 sf) with proposed private events for guests of the inn, 2) convert an existing bike rental/guided tour and luxury tour car staging business to a beer and wine tavern, 3) convert an existing furniture store with art, antique, and retail products to a mercantile store with wine tastings, 4) addition of a new mobile concession trailer (130 sf) for the sale of coffee and morning snacks, 5) addition of a new 397 sf bathroom with attached storage room for patrons, 6) site improvements to meet Napa County Roads and Street Standards for the commercial driveway, and construction of 28 additional parking for a total of 36 on-site, and 7) upgrade the septic system prior to conversion of the residence to lodging. Application materials, including the draft environmental determination are available on the Department's Current Projects Explorer at: <https://www.countyofnapa.org/2876/Current-Projects-Explorer>

Copies of documents and other information relating to the project described above may be examined between 8:00 AM and 4:00 PM Monday through Friday at the office of the Planning, Building, and Environmental Services Department, Napa County Administration Building, 1195 Third St, Ste 210, Napa, California. For documents that are publicly available on the Current Projects Explorer, there will be a Public Record Copying Fee associated with the physical printing of documents. While drops-in may be accommodated to the extent possible on a case-by-case basis, we strongly encourage you to schedule an appointment for document review.

Written and verbal comments regarding this project and comments regarding the environmental effects of this project and the adequacy of the proposed Negative Declaration are solicited. Written comments must be presented during the public review period, which runs from March 13, 2025, through April 14, 2025. Comments or appointment requests to review documents should be directed to Kelli Cahill, Planner III, Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California; (707) 265-2325 or kelli.cahill@countyofnapa.org. Comments must be received before Noon on April 14, 2025.

If you challenge the particular proceeding in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

Published Date: March 13, 2025

Brian D. Bordona

Director of Planning, Building, & Environmental Services

Notice ID: b7wjLdeKMhEWyPrYJqZD ⓘ

Notice ID: b7wjLdeKMhEWyPrYJqZD ⓘ

Confirmation Status
Confirmed

Publication Date
Mar 13, 2025

Invoice Due
Apr 6

Order Number
COL-CA-100802

Affidavit

Ⓢ Waiting for publisher...

Mail Requests

Also, residual affective commitment

Quick Actions

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⑤ PAY INVOICE

(*) CANCEL NOTICE

[Preview](#) [Activity](#)

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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Brian Bordona
Director

MEMORANDUM

To:	All interested parties	From:	Division of Environmental Health
Date:	January 5, 2005 Revised December 6, 2018	Re:	Use Permits and Regulated Water Systems

The purpose of this memo is to provide information regarding requirements for regulated water system permitting. The Division of Environmental Health has a contract with the California State Water Resources Control Board (Water Board) to administer the small water system program. Public water systems are required to be permitted by Water Board or the local delegated agency.

In Napa County, the most commonly proposed small public water systems serve wineries. During the use permit process, the division reviews the number of anticipated visitors, employees and onsite residents and makes a determination if the proposed facility is required to be served by a regulated water system. A public water system is required if the project includes either (1) a combined number of users (visitors, employees, residents) greater than 24 daily for at least 60 days of the year, or (2) the total number of employees and residents is greater than 24 daily for 6 months or more of the year. If either threshold is met, the water system will be regulated. If you have questions on whether the proposed project will be regulated as a public water system, contact this division to discuss with the district inspector. If the project does not meet these thresholds but will have a regulated kitchen used for food service for food and wine pairings or marketing events, a different type of regulated water system is required.

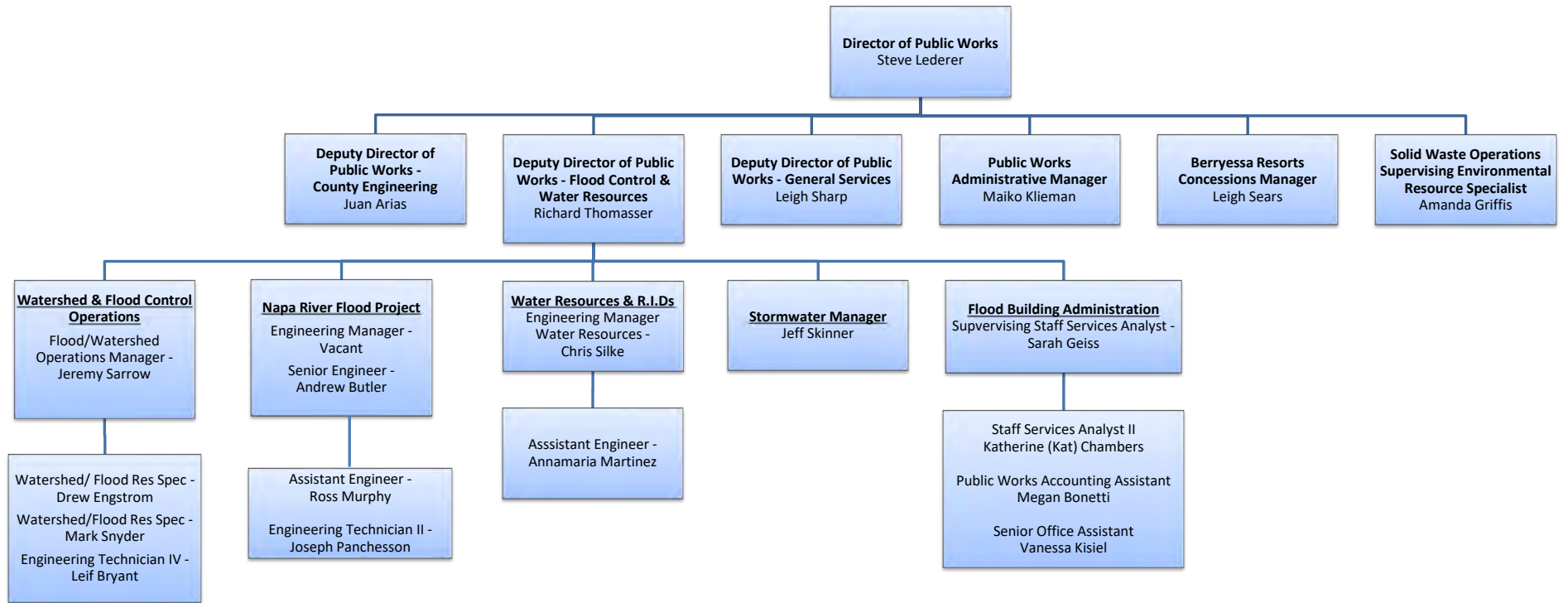
If your project will be regulated as a small public water system, a water system feasibility report will be required as a completeness item at the time a Use Permit application is submitted. This report ensures that the proposed project can satisfy the technical, managerial and financial requirements set forth by the Water Board and must include the information listed on the attached worksheet. There is a possibility that existing wells may not meet the construction requirements for a regulated water system. If the source does not meet the requirements, a new water supply will have to be developed, which must be reflected in the feasibility report. Prior to issuance of a building permit, the new water supply must be developed and full plans for the water system must be submitted and approved by this division. In addition to the local requirements, the Water Board requires a water system to also submit a preliminary technical report demonstrating the water system is viable and ensuring the water system has evaluated whether consolidating with another water system is possible. The County must receive concurrence from the Water Board before any related building permits can be issued. Additional information regarding the preliminary technical report required by the Water Board can be found at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.html

New Community and Non-Community Water Systems Technical, Managerial and Financial Capacity Worksheet

(Use Permit Applications and Water System Feasibility Reports)

1. **Water system name**
2. **Name of person who prepared the report**
3. **Technical Capacity:**
 - 1 System description-from source to point of use-what is expected (including treatment, etc).
 - 1 One year projection for water demand and an analysis of the water system to meet the projected demand (project expansion and improvements for a ten year period).
 - 1 Source adequacy:
 - Groundwater: Does the well have a 50-foot seal with a 3-inch annular space? Is a well log available?
 - Surface water treatment: Can the water system comply with the Surface Water Treatment Rule?
 - 1 Water supply capacity. Can the water system (including all sources and storage facilities) supply a minimum of three gallons per minute for at least 24 hours for each service connection served?
 - 1 Provide a characterization of the water quality (or expected water quality if a new source is required), including a comparison with established or proposed drinking water standards and the feasibility of meeting these standards.
 - 1 An evaluation of the feasibility of consolidation with other (existing) water systems.
4. **Managerial:**
 - 1 Description of the organization's ability to manage a water system (personnel to be hired and/or job descriptions for water system maintenance responsibilities). For systems that use land that is not owned by the water system, the terms for a long-term agreement for use of the land/facilities must be disclosed.
 - 1 Document the system's water rights.
5. **Financial:**
 - 1 Budget projection and description of system's financial capacity (your ability to financially support the operation of a water system).

Questions on this worksheet or the information required should be addressed to the water specialist in the Division of Environmental Health.



Environmental

Cover Sheet

APN	047-110 -017 -000
Permit #	
Program	WELL
DocType	NOTICE
Street #	4370
Street Name	OLD SONOMA RD.
Year	



47-110-17

Well

Montgomery designs

UST#-NAPA 0602 HAZFAC #283

NOTE

THIS PARCEL IS ON THE NAPA COUNTY LIST OF CONTAMINATED SITES. PRIOR TO ISSUANCE OF ANY WELLS ON THIS OR ADJOINING PARCELS (OR WITHIN THE GENERAL AREA) - CONTACT THE HAZARDOUS MATERIALS DIVISION OF THIS DEPARTMENT AND CHECK THE CONTAMINATED SITE MAPS.

USE THE NUMBER ON THE FRONT OF THIS AP FILE FOR REFERENCING THE PARTICULAR CONTAMINATED SITE.

THANK YOU.

Watershed Management | Napa

countyofnapa.org/1161/Watershed-Management

Create a Website Account - Manage notification subscriptions, save form progress and more.

Website Sign In

Stream Maintenance & Watershed Management Program

Napa County Watersheds

Watershed Resources & Guidance Materials

Home > Departments > Public Works > Flood District > Watershed Management

Watershed Management

In Napa County, Watershed Management consists of:

- Clearing and maintaining the 13 miles of channels within the Flood Control District's jurisdiction as part of the [Stream Maintenance Program](#)
- Clearing problem areas within the Napa River and its tributaries
- Dredging the Napa River
- Repairing and stabilizing the River and stream banks
- Installing and operating a Countywide early warning system for flooding
- Replacing and installing major storm drain trunk lines
- Participating in federal and State flood protection grant programs
- **Managing and monitoring groundwater**
- Overseeing adjudicated watersheds
- Maintaining the [benefit assessment program](#)
- Preparing special studies for flood protection and watershed management
- Developing standardized and integrated floodplain management regulations
- Assisting the local community in complying with [National Pollutant Discharge Elimination System \(NPDES\) requirements](#)
- A detailed description of the above projects and services and the current fiscal year's [project report FY 20-21 \(PDF\)](#)

Contact Us

Watershed Management

Physical Address
804 1st Street
Napa, CA 94559

Phone: [707-259-8600](tel:707-259-8600)

Related Documents

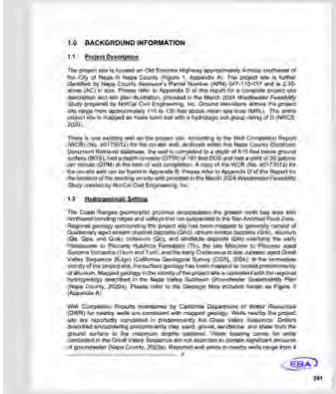
- [Watershed Management Project 96-1 Engineer's Report FY 20-21 \(PDF\)](#)

Leave a message

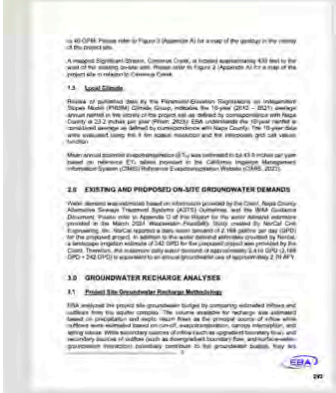
EXHIBIT 7



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5.0 SURFACE WATER DEPLETION FROM GROUNDWATER PRODUCTION

Tier 3, outlined in the WAA Guidance document and the Well Permit Standards – Applicability Tables, requires that a groundwater/surface water interaction evaluation be conducted for new or existing wells, located within 1,500 feet of a mapped Significant Stream(s). As previously mentioned, a mapped Significant Stream, Carreros Creek, is located approximately 435 feet to the west of the existing on-site groundwater well.

According to the WAA Guidance document, "streamflow depletion will be calculated using industry standard methods appropriate to the aquifer under consideration; such methods include the Hantush Equation applicable for aquifers hydraulically connected with surface waters (Hantush, 1965)." EBA used the web-based United States Geological Survey (USGS) STRMDEPL08 tool, with the Hantush equation described therein, to characterize streamflow depletion from a nearby pumping well (USGS, 2022). Please refer to Section 4.0 above for a description of the calculations for the model parameter values, storage coefficient and transmissivity.

The following assumed parameter values were input into the model:

- Distance between the existing on-site groundwater well and Carreros Creek (435 feet);
- Transmissivity value of 190 GPD/ft (25 ft²/day);
- Storage coefficient values ranging from 0.005 to 0.15;
- Streambed Leakage value of 100 feet;
- A pumping rate of 30 GPM per the existing on-site well; and
- A pumping duration of 1 day.

EBA utilized the same aquifer transmissivity (25 ft²/day) and aquifer storage coefficient (0.005) values in the streamflow depletion model that resulted in the most conservative

1: Simulated 0.007 AFY of Streamflow Depletion (LWS) from Carreros Creek (435 ft) to the existing on-site well (435 ft) at 190 GPD/ft (25 ft²/day).



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well interference model outlined in Section 4.0. The results of the streamflow depletion model for the existing on-site well indicate a stream depletion rate of approximately 0.0000 cubic foot per second. Given the lack of modeled streamflow depletion in Carreros Creek, it is EBA's opinion that pumping from the existing on-site well would not contribute to significant and unreasonable stream depletion in Carreros Creek. It should be noted that this model assumes direct connection between the aquifer and the streambed, which may not be the case at this location.

Please note that the elevation of the Carreros Creek, as measured perpendicular to the existing on-site well, is approximately 94 feet above MSL, based on publicly available elevation data. The elevation of the well head of the on-site well is approximately 120 feet above MSL, which is approximately 26 feet greater in elevation than Carreros Creek. According to the well log (No. e0173012) for the project site well, the reported DTW at the time of well completion was approximately 191 feet BGS. Therefore, the reported static water level in the well at the time of completion in March 2013 was at an elevation of approximately 71 feet below MSL, which suggests that surface water flow in the Carreros Creek is recharging groundwater as opposed to groundwater discharging into Carreros Creek. It should be noted that the existing wells (No. 796960 and 284930) located proximal to Carreros Creek exhibit similar groundwater elevations as those observed in the on-site well. With this being said, the location of the project site well suggests that hydraulic connectivity between the on-site well and the Carreros Creek is low, and the water that will be pumped from the existing on-site well is different than what is in Carreros Creek.

6.0 CONCLUSIONS

The results of the WAA have indicated that:

- According to the water recharge analyses conducted herein, the amount of water available for recharge over the project site area, during average precipitation years, was calculated to be 3.62 AFY. Based on the estimated groundwater demand of 2.70 AFY, this total groundwater use equates to approximately 75 percent of the water available for recharge in the area of the project site during average precipitation years.
- Based on the analysis and assumptions presented herein, it does not appear that pumping in the existing on-site well, will be able to substantially influence any existing neighboring wells. As predicted by the distance-drawdown model presented herein, the existing well on the project site must be located greater than approximately 24 feet from any nearby groundwater well(s) to be in conformance with Napa County Guidelines (≤10 feet of drawdown).
- With regards to the effects of groundwater pumping at the project site on flow of water in Carreros Creek, significant or measurable surface water depletion as a

1: Simulated 0.007 AFY of Streamflow Depletion (LWS) from Carreros Creek (435 ft) to the existing on-site well (435 ft) at 190 GPD/ft (25 ft²/day).



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result of on-site groundwater extraction is not expected from the existing on-site well.

Based on the results of this evaluation, it is EBA's professional opinion that the Tier 1, 2, and 3 analysis is in conformance with the requirements outlined in the Well Permit Standards – Applicability Tables and Napa County WAA Guidance Document.

EXHIBIT 9

25-584

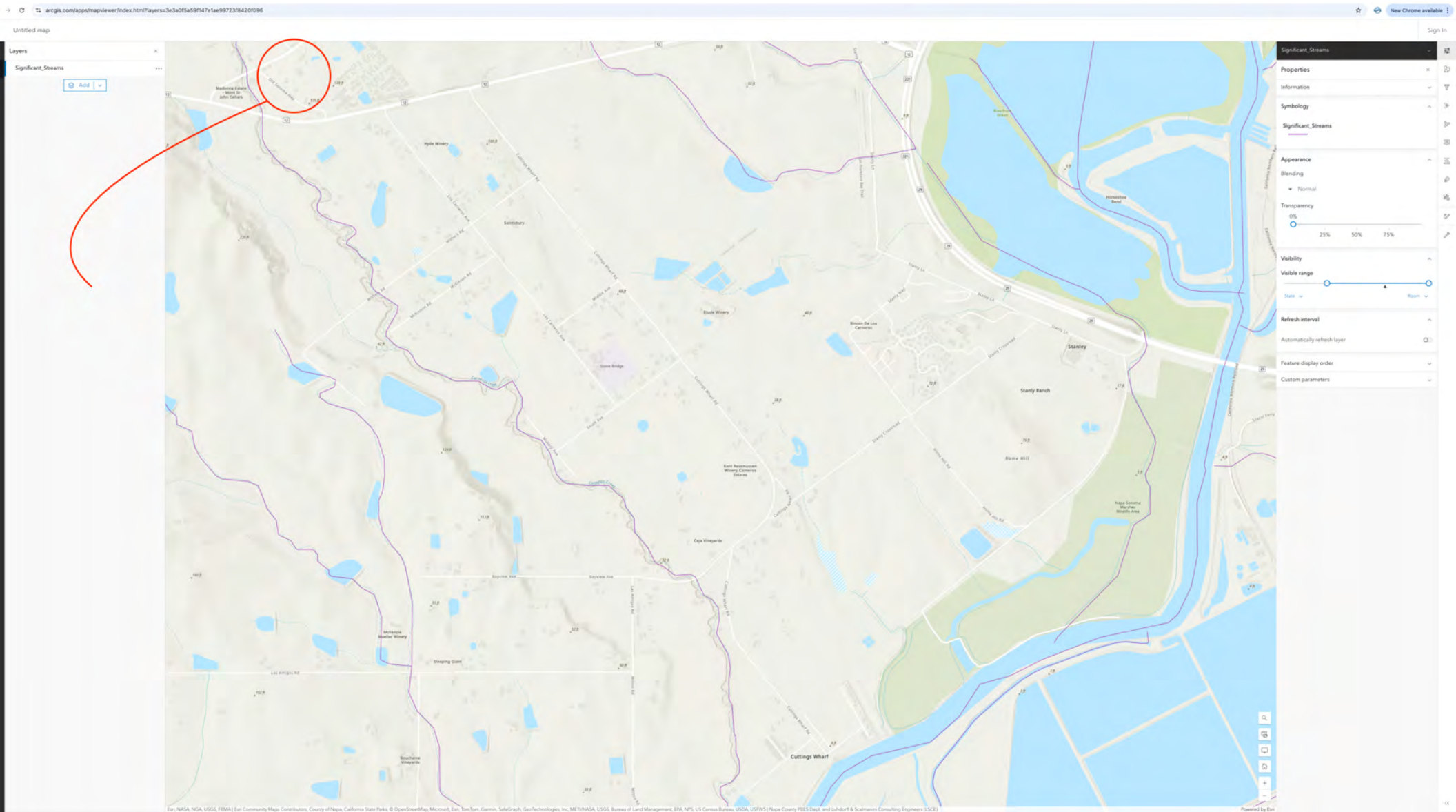
REQUEST: This application requests a change in use to three existing structures on the subject property, including: 1) converting an existing 2,738 sf three (3) bedroom residence into an inn with eight (8) guest rooms and construction of five (5) new stand-alone guest cottages of 645 sf each (totaling 3,175 sf) with proposed private events for guests of the inn, 2) convert an existing bike rental/guided tour and luxury tour car staging business to a beer and wine Tavern, 3) convert an existing furniture store with art, antique, and retail products to a mercantile store with wine tastings, 4) addition of a new mobile concession trailer (130 sf) for the sale of coffee and morning snacks, 5) addition of a new 397 sf bathroom with attached storage room for patrons, 6) site improvements to meet Napa County Roads and Street Standards for the commercial driveway, and construction of 28 additional parking for a total of 36 on-site, and 7) upgrade the septic system prior to conversion of the residence to lodging. The project is located on a 2.35-acre parcel within the Commercial Limited (CL) zoning district and designated as Agriculture, Watershed and Open Space (AWOS) and Agricultural Resources (AR) at 4370 (also addressed as 4372 and 4374) Old Sonoma Highway, Napa (APN 047-110-017).

STAFF CONTACT: Kelli Cahill, Planner III; (707) 265-2325 or kelli.cahill@countynapa.org

Page 5 of 8

6

6EXHIBIT 10



April 16, 2025

Dear Commissioners,

Use Permit Mod P22-00241 [Wright's Corner APN 047-110-017-000] application was submitted on June 22, 2022, received and (ultimately) affirmed by the Napa County Planning Department as "complete" on **June 18, 2024**. Based on the fact that we invoked the California's Permit Streamlining Act (PSA), the permit was deemed completed and approved by state law on **March 2nd, 2025**.

The employees of Napa County are refusing to abide by the Rule of Law and issue the permit. They contend (see attached email excerpt [Item 1](#)) that the Negative Declaration, that had been determined appropriate within the legal 30 day time line of the completed application, had yet to be "adopted," thereby denying our permit was "deemed approved". Yet the codes (see attached Public Resource Code 21151.5(a)(1)(B)(2) & California Code of Regulations 14 CCR § 15107) define the mandatory time limit for such action as, "**One hundred eighty days for completing and adopting negative declarations.**" Abiding by legislation, the expiration of this stage of the time line occurred on **December 15, 2024**.

The timeline is then set for the final action (see attached PSA Code § 65950 (a), "**A public agency that is the lead agency for a development project shall approve or disapprove the project within**" (...): (4) "**Sixty days from the date of adoption by the lead agency of the negative declaration,**" (...)). On December 17th, we provided the County with an advance 7-day notice that we were going to publish a "Public Notice" in the local newspaper to compel Napa County to complete the process. The notice, published on **January 2nd, 2025**, gave the County 60 days to approve or (disapprove) the permit (see attached PSA Code § 65956(b)). This action supersedes the County's argument that the timeline was suspended indefinitely because "*the 60-day clock (activated by adoption) has not started.*" It's important to note that the County never exercised its right to request a 90-day extension (see attached PSA 65957 or CA Code of Regs 14 CCR 15107 or Public Res Code 21151.5). The sixty day window expired on **March 2, 2025**, thus certifying Use Permit P22-00241 as **deemed complete** and **approved**. As a matter of note, after noticing them in December, we heard nothing from County until March 3rd.

The PSA was enacted to relieve applicants from protracted and unjustified governmental delays in processing their permit applications. To expedite decisions on development projects, the PSA sets out specific time limits within which a government agency must approve or disapprove an application for a land use permit. If the lead agency fails to expressly approve (or disapprove) an application within the applicable period, "the failure to act shall be deemed approval of the permit application for the development project." The PSA measures all time limits for final approval (or

disapproval) of an application in the environmental review process established by the California Environmental Quality Act (CEQA). In *Palmer v. City of Ojai* (1986) the Court of Appeal explained the "unmistakably clear" legislative intent of the PSA: "There was a dual concern for (1) establishing guidelines for communication between developer-applicants and public agencies, communication intended to remove gamesmanship from the application process, and (2) establishing time limitations which would allow full and fair consideration of applications for development by public agencies while protecting the applicants from the arbitrariness and caprice associated with unjustifiable delay."

The statutory framework strikes an ideal balance. It presents a middle option—one that does not strip the County of its discretionary power altogether but imposes a statutory time limit in which the County may exercise its discretion. After the time limit expires, the County relinquishes its right to impose discretionary standards, on a project, and the permit application becomes ministerial.

Mr. Ryan Alsop, Napa County CEO, response in blue to our demand for issuing the permit.

Email subject - RE: P22-00241 ministerial permit.

Ms. Smith:

Again, your project is before the Planning Commission on **4/16** (twelve days from today). I've, again, consulted County Counsel on this matter and their opinion is outlined for you below.

1. Gov Code section 65950(a)(4) requires a lead agency to approve or disapprove a project within 60 days from **adoption** of the Negative Declaration. Since the Negative Declaration has not yet been adopted, the 60-day clock has not started. Therefore, the project has not been "deemed approved" under the PSA.
2. CEQA has its own timelines for making environmental determinations. The 180-day time limit under CEQA to prepare a Negative Declaration, is directory not mandatory and there are no sanctions for failing to complete the Negative Declaration within that time frame. CEQA timelines are "directory," not "mandatory," meaning that a project is not "deemed approved" if the CEQA timeline is not met. Instead, the applicant's remedy is to sue to enforce the CEQA time limits. (*See Meridian Ocean Sys. v. State Lands Comm'n*, 222 Cal. App. 3d 153 (1990); *Sunset Drive Corp. v. City of Redlands*, 73 Cal. App. 4th 215 (1999).)
3. Unlike the PSA, there is no "deemed approved" provision in CEQA. "CEQA contains no 'deemed approval' provisions for cases where an agency fails to comply with the time requirements for environmental determinations. [Citations.] 'CEQA itself contains no automatic approval provisions and its time limits are directory rather than mandatory.'" (*Eller Media Co. v. City of Los Angeles* 87 Cal.

App. 4th 1217, 1219-1221 (2009).) Imposing an automatic approval process on CEQA is not dictated by the terms of either CEQA or the PSA, “and is inconsistent with the obvious distinct treatment environmental issues are accorded under the PSA....” (*Id. at p.1441*).

Referring to **Item 2 & 3**, The California Legislature enacted a series of measures to coordinate the time limits imposed by the PSA (Gov Code § 65920-65964), the California Environmental Quality Act (California Code of Regulations 15000-15387) and Public Resources Code § 21000 - 21189.9. These acts sit alongside the others and no one statute reigns fully supreme (See *Linovitz Capo Shores LLC v. California Coastal Commission* (2021)). The PSA sets forth a time limit within which a government agency must either approve or disapprove stages of a permit application. Each stage is a step and not all steps will deem the permit approved by merely failing to complete as the timeline mandates. Most stages require a court order to compel the lead agency if they are failing to act but, with the timeline in the final stage, the law gives applicants the means to get them to comply by use of the court or a public notice.

In reference to the noted [Meridian Ocean Sys. v. State Lands Comm’n](#):

In the Meridian Ocean case their claim is that the lead agency failed to order a preparation of CEQA documents within 30 days of the completed application. Resolution of this claim turned upon a determination of whether the 30 day time limit is mandatory or directory. The courts have stated that the 'directory' or 'mandatory' designation does not refer to whether a particular statutory requirement is 'permissive' or 'obligatory', but instead simply denotes whether the failure to comply with a particular procedural step will or will not have an effect to which the procedural requirement relates.

As a matter of note, this case was ruled not to apply to the PSA because it was an exploration of the ocean floor not a “Project” as required by the Pub. Res. Code section 21065.

In reference to the noted [Sunset Drive Corp. v. City of Redlands](#):

In this case the argument is premised on the City of Redlands failure to complete an EIR. Sunset orally alleged that the City of Redlands failed to determine whether they should be approved within the time limitations provided by CEQA guidelines. The judge did not consider this argument because Sunset had not raised the PSA statute of limitations in its brief. Unlike the PSA, CEQA contains no "deemed approval" provision for cases where an agency fails to comply with the time requirements for environmental determinations. By just alleging that the CEQA determinations were not performed in a timely manner is not sufficient for deemed approval of the applicant’s permit.

Also, the courts ruled the pleading did not establish that the City of Redlands exceeded the established time limits.

In reference to the noted [Eller Media Co. v. City of Los Angeles](#)

Six months after submitting applications, Ellers alleged that the lead agency failed to review its application and failed make timely CEQA determinations. Ellers then tried to

apply the PSA time line to this failure for approval. Allegations that the CEQA determinations were not performed in a timely manner are not sufficient to state a cause of action for deemed approval of the applications. PSA measures time limits from specific actions. The court established that none of those actions had been completed when the appellant filed its suit.

I hope this makes clear the situation. Please advise Napa County to honor the law and issue the necessary permit.



Kerry Smith

The Wright Corner, Inc.
4370, 4372 & 4374 Old Sonoma Hwy., Napa CA
thewrightcorner@earthlink.net Phone (707) 812-5006 text or call

The following are copies of the pertinent regulations that applied to this project and a copy of the published public notice:



California
LEGISLATIVE INFORMATION

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California Law

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PERMIT STREAMLINING ACT 65920 - 65964

Title 7. Planning and Land Use

Division 1. Planning and Zoning

Chapter 4.5 Review and Approval of Development Projects

KNOWN AS PERMIT STREAMLINING ACT

ARTICLE 1 - 65920 (a) & (b)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66342] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 4.5. Review and Approval of Development Projects [65920 - 65964.5] (Chapter 4.5 added by Stats. 1977, Ch. 1200.)

ARTICLE 1. General Provisions [65920 - 65923.8] (Article 1 added by Stats. 1977, Ch. 1200.)

65920. (a) This chapter shall be known and may be cited as the Permit Streamlining Act.

(b) Notwithstanding any other provision of law, the provisions of this chapter shall apply to all public agencies to the extent specified in this chapter, except that the time limits specified in Division 2 (commencing with Section 66410) of Title 7 shall not be extended by operation of this chapter.

(c) Any action brought in the superior court relating to this chapter may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030).

(Amended by Stats. 2010, Ch. 699, Sec. 22. (SB 894) Effective January 1, 2011.)

**PUBLIC RESOURCES CODE - PRC****Division 13. Environmental Quality 21000 - 21189.91****Chapter 2. Short Title 21050****DIVISION 13 TO BE KNOWN AS CEQA****PUBLIC RESOURCES CODE - PRC****DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.91]** (*Division 13 added by Stats. 1970, Ch. 1433.*)**CHAPTER 2. Short Title [21050- 21050.]** (*Chapter 2 added by Stats. 1970, Ch. 1433.*)

21050. This division shall be known and may be cited as the California Environmental Quality Act.

(Amended by Stats. 1976, Ch. 1312.)

CALIFORNIA CODE OF REGULATIONS**Title 14. Natural Resources****Division 6. Resources Agency****Chapter 3. Guidelines for Implementation of the California Environmental Quality Act****Article 1. General**

14 CCR § 15001

§ 15001. Short Title.

TITLE - "STATE CEQA GUIDELINES"

These Guidelines may be cited as the "State CEQA Guidelines." Existing references to the "State EIR Guidelines" shall be construed to be references to the "State CEQA Guidelines."

CALIFORNIA CODE OF REGULATIONS**Title 14. Natural Resources****Division 6. Resources Agency****Chapter 3. Guidelines for Implementation of the California Environmental Quality Act****Article 1. General**

14 CCR § 15005

§ 15005. Terminology.

MUST & SHALL ARE MANDATORY

The following words are used to indicate whether a particular subject in the Guidelines is mandatory, advisory, or permissive:

- (a) "Must" or "shall" identifies a mandatory element which all public agencies are required to follow.
- (b) "Should" identifies guidance provided by the Secretary for Resources based on policy considerations contained in CEQA, in the legislative history of the statute, or in federal court decisions which California courts can be expected to follow. Public agencies are advised to follow this guidance in the absence of compelling, countervailing considerations.
- (c) "May" identifies a permissive element which is left fully to the discretion of the public agencies involved.

14. "County" includes "city and county."

(Enacted by Stats. 1939, Ch. 93.)

15. "Shall" is mandatory and "may" is permissive.

(Enacted by Stats. 1939, Ch. 93.)

16. "Oath" includes affirmation.

PUBLIC RESOURCES CODE - PRC**General Provisions****THE WORD SHALL IS MANDATORY**

MUST ABIDE BY ALL LAWS

- (a) CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws.
- (b) CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.
- (c) Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency. Prior to January 1, 1983, CEQA provided implied authority for an agency to use its discretionary powers to mitigate or avoid significant effects on the environment. Effective January 1, 1983, CEQA provides express authority to do so.
- (d) The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.
- (e) The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.

PERMIT STREAMLINING ACT 65920 - 65964

Title 7. Planning and Land Use

Division 1. Planning and Zoning

Chapter 4.5 Review and Approval of Development Projects

ARTICLE 1 - 65921

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66342] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 4.5. Review and Approval of Development Projects [65920 - 65964.5] (Chapter 4.5 added by Stats. 1977, Ch. 1200.)

ARTICLE 1. General Provisions [65920 - 65923.8] (Article 1 added by Stats. 1977, Ch. 1200.)

65921. The Legislature finds and declares that there is a statewide need to ensure clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects. Consequently, the provisions of this chapter shall be applicable to all public agencies, including charter cities.

(Added by Stats. 1977, Ch. 1200.)

PSA APPLIES TO NAPA COUNTY

PUBLIC RESOURCES CODE - PRC

Division 13. Environmental Quality 21000 - 21189.91

Chapter 2.5 Definitions

DEFINITION OF "PROJECT"

21065. "Project" means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

(Amended by Stats. 1994, Ch. 1230, Sec. 4. Effective September 30, 1994.)

PUBLIC RESOURCES CODE - PRC

Division 13. Environmental Quality 21000 - 21189.91

Chapter 3

WHAT IS A NEGATIVE DECLARATION (N.D.)?

21064. "Negative declaration" means a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

(Added by Stats. 1976, Ch. 1312.)

MANDATORY TIME LIMITS

PERMIT STREAMLINING ACT - 65964

Title 7. Planning and Land Use

Chapter 4.5 Review and Approval of Development Projects

ARTICLE 5 - 65953

TIME LIMITS SET ARE MAXIMUM

65953. All time limits specified in this article are maximum time limits for approving or disapproving development projects. All public agencies shall, if possible, approve or disapprove development projects in shorter periods of time.

(Added by Stats. 1977, Ch. 1200.)

65954. The time limits established by this article shall not apply in the event that federal statutes or regulations require time schedules which exceed such time limits.

(Added by Stats. 1977, Ch. 1200.)

CALIFORNIA CODE OF REGULATIONS

Title 14. Natural Resources

Division 6. Resources Agency

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 8. Time Limits

14 CCR § 15100

§ 15100. General.

MANDATORY TIME LIMITS

(a) Public agencies shall adopt time limits to govern their implementation of CEQA consistent with this article.

(b) Public agencies should carry out their responsibilities for preparing and reviewing EIRs within a reasonable period of time. The requirement for the preparation of an EIR should not cause undue delays in the processing of applications for permits or other entitlements to use.

PERMIT STREAMLINING ACT 65920 - 65964

Title 7. Planning and Land Use

Chapter 4.5 Review and Approval of Development Projects

ARTICLE 5 - 65957

NO OTHER EXTENSION - DEEMED APPROVED

65957. The time limits established by Sections 65950, 65950.1, 65951, and 65952 may be extended once upon mutual written agreement of the project applicant and the public agency for a period not to exceed 90 days from the date of the extension. No other extension, continuance, or waiver of these time limits either by the project applicant or the lead agency shall be permitted, except as provided in this section and Section 65950.1. Failure of the lead agency to act within these time limits may result in the project being deemed approved pursuant to the provisions of subdivision (b) of Section 65956.

(Amended by Stats. 1998, Ch. 283, Sec. 4. Effective January 1, 1999.)

CALIFORNIA CODE OF REGULATIONS

Title 14. Natural Resources

Division 6. Resources Agency

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 8. Time Limits

14 CCR § 15107

§ 15107. Completion of Negative Declaration for Certain Private Projects.

MUST APPROVE NEGATIVE DECLARATION WITHIN 180 DAYS

With private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the negative declaration must be completed and approved within 180 days from the date when the lead agency accepted the application as complete. Lead agency procedures may provide that the 180-day time limit may be extended once for a period of not more than 90 days upon consent of the lead agency and the applicant.

21151.5. (a) (1) For projects described in subdivision (c) of Section 21065, each local agency shall establish, by ordinance or resolution, time limits that do not exceed the following:

(A) One year for completing and certifying environmental impact reports.

(B) One hundred eighty days for completing and adopting negative declarations.

(2) The time limits specified in paragraph (1) shall apply only to those circumstances in which the local agency is the lead agency for a project. These ordinances or resolutions may establish different time limits for different types or classes of projects and different types of environmental impact reports, but all limits shall be measured from the date on which an application requesting approval of the project is received and accepted as complete by the local agency.

(3) No application for a project may be deemed incomplete for lack of a waiver of time periods prescribed by local ordinance or resolution.

(4) The ordinances or resolutions required by this section may provide for a reasonable extension of the time period in the event that compelling circumstances justify additional time and the project applicant consents thereto.

PUBLIC RESOURCES CODE - PRC

Division 13. Environmental Quality 21000 - 21189.91

Chapter 4. Local Agencies 21150-21154

180 DAYS MUST ADOPT NEGATIVE DECLARATION

PERMIT STREAMLINING ACT 65920 - 65964

Title 7. Planning and Land Use

Chapter 4.5 Review and Approval of Development Projects

ARTICLE 5 - 65950 (a) (4)

MUST APPROVE PROJECT 60 DAYS AFTER N.D.

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) One hundred twenty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

PREMIT STREAMLINING ACT 65920 - 65964

Title 7. Planning and Land Use

Chapter 4.5 Review and Approval of Development Projects

ARTICLE 5 - 65956 (B)

FAILURE TO ACT DEEMED APPROVAL

65956. (a) If any provision of law requires the lead agency or responsible agency to provide public notice of the development project or to hold a public hearing, or both, on the development project and the agency has not provided the public notice or held the hearing, or both, at least 60 days prior to the expiration of the time limits established by Sections 65950 and 65952, the applicant or his or her representative may file an action pursuant to Section 1085 of the Code of Civil Procedure to compel the agency to provide the public notice or hold the hearing, or both, and the court shall give the proceedings preference over all other civil actions or proceedings, except older matters of the same character.

(b) In the event that a lead agency or a responsible agency fails to act to approve or to disapprove a development project within the time limits required by this article, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. If the applicant has provided seven days advance notice to the permitting agency of the intent to provide public notice, then no earlier than 60 days from the expiration of the time limits established by Sections 65950 and 65952, an applicant may provide the required public notice using the distribution information provided pursuant to Section 65941.5. If the applicant chooses to provide public notice, that notice shall include a description of the proposed development substantially similar to the descriptions which are commonly used in public notices by the permitting agency, the location of the proposed development, the permit application number, the name and address of the permitting agency, and a statement that the project shall be deemed approved if the permitting agency has not acted within 60 days. If the applicant has provided the public notice required by this section, the time limit for action by the permitting agency shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the permitting agency shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

This is a copy of the Public Notice published on January 2, 2025 in the Napa Valley Register. Not one person contacted me regarding this notice or the project as of April 12th, 2025.

Permit Streamlining Act Public Notice

Public Notice: Permit Streamlining Act Application Use Permit P22-00241 Proposed by: The Wright Corner, Inc. 047-110-017

Applicant: Kerry Smith

Project Location: 4370, 4372 & 4374 Old Sonoma Hwy., Napa, CA

Zoning Classification: Commercial Limited

Notice is hereby given that Kerry Smith, as an agent of The Wright Corner, Inc., has submitted an application to the Napa County Planning Department, located at 1195 Third Street, Napa, CA, for a permit to development of a Mercantile, Tavern/Tasting Bar, 8 Room Inn w/Accessory Events, Restrooms and Concession Trailer. According to the California Permit Streamlining Act, this project shall be deemed approved if the permitting agency has not acted within 60 days.

Key details of the project:

At 4370 Old Sonoma Hwy., the existing 1447 sq. ft. building to be a Tavern/Tasting Bar. Food, wine, and beer are to be tasted by the glass and purchased by the bottle. Both indoor and outdoor space. 713 sq. ft indoor (34 seats), 313 sq. ft. food service prep area and distribution., 345 sq. ft. for storage, 40 sq. ft. for utilities; a total clear space of 1409 sq. ft. In addition, a 312 square foot outdoor space for food and drink pick up and waiting area and an additional 795 sq. ft. of outside garden seating (48 seats). Foodservice to be "cook and serve" foods requiring limited preparation.

At 4372 Old Sonoma Hwy. the existing 1917 sq. ft. building
A general retail for the sale of goods to the consumer for profit with an ancillary wine or beer service by incorporating alcoholic beverage sales and tasting. An exterior 450 sq. ft. outdoor retail and tasting area.

At 4374 Old Sonoma Hwy. the existing 2864 sq. ft. building
3 bedroom transient short-term overnight occupancy. 8 Cottage Units - Construction of 5 new 635 sq. ft. free-standing transient units with bathrooms (no kitchens). Accessory of onsite private social events outside 1800 sq. ft. area using tents. Events not to exceed 85 people with a limit of 4 events a month.

Mobile Concession Trailer - A small mobile trailer (8' 5" x 13' - 130 sq. ft.) to offer and sell coffee and limited food items.

Construction of a (397 sq. ft.) stand-alone toilet room with an attached storage room w/ trash and recycling.

New construction totals 3,897 sq. ft. of improvements. New construction - Fire resistivity - Type V and no offsite improvements requested.

Installation of new septic, waste processing, 1107 sq. ft. patio, retaining wall, and 24 additional parking spaces. No significant environmental impact.

Important Note:

This project is subject to the California Permit Streamlining Act, which mandates specific timeframes for agency review and decision-making.

For further information, please contact Kerry Smith at thewrightcorner@earthlink.net

Date: 12/24/24

1/2 COL-CA-100607