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CEQA Memo



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Brian D. Bordona
Director

To: Zoning Administrator	From: Wendy Atkins, Planner II
Date: April 24, 2024	Re: Chaix Family Vineyard Micro Winery P23-00223 1204 Manley Lane, Napa Assessor's Parcel Number 027-210-026

Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Chaix Family Vineyard Micro Winery Application (P23-00223-UP).

The Napa County Planning Division has received a request for a Use Permit Micro-Winery for a new winery.

The applicant is requesting approval of a use permit to allow the establishment of a new micro-winery within a portion of an existing garage. Approval of the use permit would allow for the following: 1) establishment of a 5,000 gallon per year winery within an a 244 sq. ft. portion of an existing 463 square foot garage (building #6); 2) tours and tastings for up to 10 guests per day Monday through Sunday/70 persons per week during harvest and non-harvest seasons; 3) one full time employee during harvest and non-harvest; 4) on-premises consumption of wines produced on-site within a 658 sq. ft. designated outdoor patio area in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill); 5) production hours between 9:00 a.m. and 6:00 p.m. Monday through Sunday and visitation hours between 9:00 a.m. to 6:00 p.m. Monday through Sunday; 6) installation of a parking area with five (5) parking stalls, one (1) of which will be ADA compatible; 7) installation of an eight stall bicycle rack; 8) installation of a 2,500 gallon water storage tank; and, 9) expansion of an existing and installation of a new access road to meet Napa County Road and Street Standards for commercial driveways;

Existing Setting

The 37.31 acre project site is located at 1204 Manley Lane, Napa, midway between Bella Oaks Lane and Neibaum Lane. The property is zoned Agricultural Preserve (AP) and is designated Agricultural Resource (AR) by the Napa County General Plan.

The project site has historically been utilized for farming and is presently the site of approximately 33 acres of wine grape vineyards. The vineyards produce approximately 150 tons of wine grapes annually,

which are presently sold to other wine producers in Napa County. These grapes would be utilized for the proposed winery once it is established.

The property is currently developed with 33 acres of vineyards, an approximately 463 sq. ft. garage (building # 6), 1,415.5 sq. ft. vineyard building (building #7), an empty unused water tower (building #8), 2,160 sq. ft. barn (building 8), 164 sq. ft. tool shed (building #10), and 300 sq. ft. storage building (building #4). The property had a single family residence that was recently destroyed in a fire and is anticipated to be rebuilt.

The property is served by three (3) on-site wells for potable water and a septic tank and leach field for on-site sewage disposal.

CEQA Exemption Criteria and Analysis

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. The proposed project would be considered exempt under §15303 (Class 3, New Construction or Conversion of Small Structures) of the State Guidelines and under Appendix B of Napa County's Local Procedures for Implementing CEQA (Additional Categorically Exempt Projects in Napa County), Item No. 10 – Construction and operation of small wineries, other agricultural processing facilities and farm management uses that: (a) are less than 5,000 square feet in size excluding caves; (b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet within all of the excavated cave spoils to be used on site; (c) will produce 30,000 gallons of wine or less per year; (d) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; (e) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; and 5) hold no temporary events. This determination is based on the following analysis:

10. Construction and operation of small wineries, other agricultural processing facilities and farm management uses that:

- (a) Are less than 5,000 square feet in size excluding caves;

Response: The proposed winery facility would consist of approximately 244 square feet. Thus, the winery area would be less than 5,000 square feet in size and would meet the requirement of 10(a).

- (b) Will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet within all of the excavated cave spoils to be used on site;

Response: The proposed project does not include construction of a wine cave.

- (c) Will produce 30,000 gallons or less per year;

Response: The proposed project will produce 5,000 gallons of wine per year.

- (d) Will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place;

Response: According to the County of Napa's Winery Traffic Information/Trip Generation Sheet, based on the proposed number of employees and daily/weekly visitors, the project's daily traffic volumes during harvest season would be 18 vehicle trips with 4 daily vehicle trips during the p.m. peak hours (4:00 p.m. – 6:00 p.m.). Weekend vehicle trips during harvest season would be 17 with 5 trips occurring during peak hours (3:00 p.m. to 4:00 p.m.). Therefore, the proposed winery would not generate more than 40 vehicle trips per day and not more than 5 peak hour trips per day.

- (e) Will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance;

Response: The proposed project does not include marketing events. Micro-Winery projects are not permitted to have marketing events.

- (f) Hold no temporary events

Response: The proposed project does not include any requests for temporary events at this time. However, such events are permitted under Napa County Code Section 5.36 Temporary Events.

Discussion:

Ground Water – As described in the Tier I Water Availability Analysis (WAA) for the Chaix Family Vineyards Micro-Winery, prepared by Applied Civil Engineering, dated January 12, 2024, the applicant proposes use of the existing three on-site wells for water. Water for the vineyards is supplied by two wells located with the vineyard. A third well located north of the previous existing residence will be used for the proposed winery. Per Napa County standards, the subject property is located within the Napa Valley Subbasin, so groundwater use is limited to a Reduced Water Use Screening Criteria of 0.3-acre-feet per acre per year (ac-ft/yr). Where existing groundwater use exceeds the 0.3 ac-ft/ac, no net increase in groundwater use is required.

The total parcel acreage with the Napa Valley Floor area is approximately 37.31 acres and therefore the water use screening criteria is calculated as follows:

WAA Guidance Document Water Use Screening Criteria = 37.31 acres x 1.0ac-ft/yr.

Reduced Water Use Screening Criteria – 37.31 acres x 0.3 ac-ft/yr = 11.19 ac-ft/yr.

Since the existing property water use is already above the Reduced Water Use Screening Criteria the project must comply with the no net increase criteria and the proposed water use must be the same or less than the current water use (21.60 ac-ft/yr).

The project complies with the WAA Water Use Screening Criteria of 1.0 ac-ft/yr of groundwater use but this criteria has been superseded by a new Reduced Water Use Screening Criteria. The property currently uses more than the Reduced Water Use Screening Criteria of 0.3 ac-ft/yr and therefore the proposed project must not increase water use beyond current levels. By using low flow fixtures when rebuilding the residence, the proposed project complies with the Napa County's current requirements for no net increase in groundwater use. Tier 2 and Tier 3 Analyses are not required according to the WAA – Guidance Document and current practice since no additional use of groundwater is required for this project. Specifically, a Tier 2 is not required because there will be no net increase in groundwater use.

Public Trust (Tier 3)—Under public trust doctrine (the Doctrine), Napa County has an affirmative duty to take the public trust into account in the planning and allocation of trust resources, and to protect public trust uses whenever feasible. The Doctrine applies if extraction of groundwater adversely impacts a navigable waterway to which the public trust doctrine applies. In Napa County, the Napa River is the navigable waterway protected by the public trust doctrine. An analysis of impacts to trust resources is triggered by whether the groundwater extraction (whether new or the continued extraction or a reduction over existing extraction levels) is hydrologically connected to a navigable waterway or non-navigable tributaries of those waters. The analysis begins and ends with whether the proposed project harms a navigable waterway and thereby violates the public trust. To comply with longstanding California Supreme Court and Court of Appeal holdings, Napa County has determined that projects extracting water from wells within 1,500 feet of defined Significant Streams must submit a Tier 3 or equivalent analysis for the County to discharge its legal duties under public trust doctrine, whether the proposed project is proposing to extract more or less groundwater or remain at status quo (e.g., no net increase). The proposed project well is not located within 1,500 feet of a defined Significant Stream; therefore, a Tier 3 analysis was not required.

Under Section 15300.2 of the California Environmental Quality Act, Exceptions [to findings of exemption], a project cannot be deemed exempt under Section 15303, Class 3 (New Construction or Conversion of Small Structures), if environmental sensitivities exist on the project site. The list of sensitivities identified in Section 15300.2 include: (a) Location; (b) Cumulative Impact; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources. Staff has reviewed the County's GIS Environmental Resource maps (which identify potential environmental sensitivities) in conjunction with Section 15300.2 and has determined that such environmental sensitivities do not exist on the project site. This determination was made based on the analysis discussed, below:

15300.2. EXCEPTIONS [to Exemption from CEQA]

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The applicant proposes establishing a new, 5,000-gallon winery on the project site with visitation. Uses within the immediate area of the project site include vineyards and wineries,

including Swanson Vineyards, St. Supery Vineyards and Winery, and Peju Province Winery. While it is possible that a new winery in the project area would contribute to cumulative impacts, the modest nature of the proposed project would not increase activities in the project area enough to result in significant cumulative impacts to the area. In addition, the property is presently developed with approximately 33 acres of grape vineyards, a 1,700 sq. ft. residence (which will be reconstructed), a 463 sq. ft. garage (which will be converted to the winery building), 1,415.5 sq. ft. vineyard building, an empty unused water tower, 2,160 sq. ft. barn, 164 sq. ft. tool shed, and 300 sq. ft. storage building. The majority of project development would occur within previously disturbed areas and would cause minimal ground disturbance. Further, the project proposes a visitation program that would produce, at most, 18 vehicle trips to the property on a weekend day, four of which would occur during peak traffic hours of 3:00 p.m. to 4:00 p.m. Taking into consideration the number of vehicle trips produced by the larger, neighboring wineries in the vicinity, the addition of 18 vehicle trips would be considered negligible. Therefore, staff has concluded that the project site would not result in cumulative impacts.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no proposed activities on the subject property that would result in a significant effect on the environment due to unusual circumstances. Development of the proposed project would occur within previously disturbed areas on the project site, including an interior remodel of an existing garage, the driveway and the parking area, all of which are presently utilized. No additional development of the property is proposed. In addition, the subject parcel is presently developed and includes approximately 33 acres of vineyards, which is consistent with the proposed winery use. As such, there are no unusual circumstances on the subject property that could be subject to impacts resulting from implementation of the proposed project.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The subject property is accessed via Manly Lane, which is not officially designated as a state scenic highway. The project would result in no tree removal, no rock outcroppings, and no historical structures exist on the project site. As such, the project would not result in damage to scenic resources within a state scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project is not on any lists of hazardous waste sites.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed winery would be established within an existing garage structure that was constructed prior to 1956 and is not considered an historical resource. No physical improvements are proposed to the exterior elevations of the building. Only modifications for conversion to a winery are proposed with the project. The garage is currently not designated a historic resource in the General Plan or Landmarks Ordinance provisions. A condition of approval will be included that will require the submittal of a Historic Resource Report prior to the issuance of a building or grading permit to confirm that any required changes to the building are consistent with the Secretary of the Interior's Standards for Historic Preservation and Guidelines for Treatment of Historic Properties (Standards). No other structural modifications on the subject property are proposed. Further, there are no known historical resources on the subject property.

Therefore, based upon the analysis above, the proposed project meets the criteria for a categorical exemption under §15303 (Class 3, New Construction or Conversion of Small Structures) of the State Guidelines and under Appendix B of Napa County's Local Procedures for Implementing CEQA (Additional Categorically Exempt Projects in Napa County), Item No. 10 – Construction and operation of small wineries.