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Initial Study
Mitigated Negative Declaration
and
Mitigation Monitoring and
Reporting Plan

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

Initial Study Checklist
(form updated January 2019)

1. **Project Title:** Ladera Vineyards Winery Minor Modification #P21-00294-MOD and Viewshed P22-00109-VIEW
2. **Property Owner:** Pat Stotesbery, P.O. Box 313 St. Helena CA 94574; phone: (707) 337-4420 or email: pls@laderavineyards.com
3. **County Contact Person, Phone Number and email:** Emily Hedge, Planner III; phone (707) 259-8226 or email: emily.hedge@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):** The project is located on a 7.44 acre parcel within the Agricultural Watershed (AW) zoning district. The parcel is accessed via a private driveway off of Silverado Trail, between Bale Lane and Larkmead Lane. Project address: 3942 Silverado Trail, Calistoga, CA 94515. APN: 021-030-047-000
5. **Project sponsor's name and address:** Chris Artley, Ladera Vineyards, P.O. Box 27917, Scottsdale, AZ 85255
6. **General Plan description:** Agriculture, Watershed, and Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Background/Project History:**

July 21, 1982 – The Planning Commission approved the Wermuth Winery Use Permit #U-388182. This established a 20,000 gallon per year winery in an existing 375 s.f. building, and permitted the authorized owners (2) as employees, minimum of two parking spaces, with hours of operation 8:00 a.m. to 10:00 p.m. No invitational signs were authorized to be installed.

August 10, 1987 – The Planning Commission approved Major Modification U-698687. This authorized public tours and tastings (30 per day; 100 per week anticipated), conversion of a 400 s.f. garage to a wine storage building, an increase to eight parking spaces, and a reduction in hours of operation to 11:00 a.m. to 4:30 p.m. with irregular days of operation. No additional employees were authorized. Use Permit U-388182 became null and void upon issuance of a building permit for the use permit or commencement of tours and tastings.

July 15, 2019 – The Director issued Status Determination No. P19-00135 to confirm existing legal entitlements granted by the County.
9. **Description of Project:** Approval for a minor modification of the previous project approvals (Use Permit U-388182 and Use Permit Major Modification U-698687) for an existing 20,000 gallons per year winery to allow the following:
 - Construct an addition to the existing winery tasting room and storage building (740 s.f.) for a total of an approximately 1,200 s.f. building with tasting room, office, wine storage, and restroom;
 - Demolish the existing wine tank room building and greenhouse;
 - Construct an approximately 8,800 s.f. type II cave for production and hospitality;
 - Increase employees from two (2) full-time employees to three (3) full-time and two (2) part-time employees;
 - Increase weekly visitation from 100 people per week to 210 people per week with no change to the existing daily maximum of 30 people;
 - Change hours of operation;
 - Permit catered food at tastings;
 - Add two annual marketing events with up to 50 guest per event with food and wine pairing;
 - Use outdoor patios around the winery building for wine tasting and marketing events;
 - Authorize on premises consumption on the outdoor patios;
 - Improve the existing driveway and parking lot configuration;
 - Install underground water storage tanks (15,000 gallons and 50,000 gallons) on the hillside above the winery;

- Install a water system;
- Install a wastewater treatment system,
- Tree removal of approximately 0.2 acres and preservation of approximately 1.8 acres, and
- Install a left-turn lane on Silverado Trail at the project driveway

The project includes a review of the proposed cave wall and portals under the Viewshed Protection Program (Chapter 18.106 of the Napa County Code) to review the visibility of the new construction from County designated Viewshed roads.

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

The 7.44-acre parcel is located at 3942 Silverado Trail, in the unincorporated area of Napa County between Calistoga and St. Helena. The property is accessed via a private driveway off Silverado Trail. The southwestern property line borders Silverado Trail. The front portion of the parcel, approximately 1.25 acres adjacent to the road, consists of flat land with slopes less than five percent. Approximately 200 feet back from the road the parcel slopes upward away from Silverado Trail with slopes ranging from 15 to 50 percent. The hillside is undeveloped and consists primarily of dense woodland cover. The hillside was burned in the 2020 fire destroying and damaging a number of trees. The existing development on the property includes a residence, residential studio, greenhouse, and two winery buildings. The winery buildings include an approximately 740 s.f. tasting room and storage building and a 440 s.f. tank room. The structures are situated at the base of the hillside. The existing driveway and parking area serve both the residence and winery. Surrounding properties include residences, vineyards, and undeveloped, wooded hillsides. Dutch Henry Creek is located approximately 450 feet west of the parcel across Silverado Trail.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

None

Other Agencies Contacted

None

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.

On May 3, 2022, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Staff received a response from the Yocha Dehe Tribe on May 23, 2022. The Tribe did not request to consult or provide comments. Staff was contacted by representatives from the Middletown Rancheria and Mishewal Wappo Tribe requesting additional information on the project and to be included in a site visit. On June 14, 2022, a site visit was attended by County staff, the applicant team and consulting archeologist, and representatives from Middletown Rancheria and Mishewal Wappo Tribe (called on the phone). Project design information was discussed, and the project archeologist and tribal representatives agreed the project would be designed avoid impacts to potential cultural resources. See Sections V. Cultural Resources and XVIII. Tribal Cultural Resources for additional information.

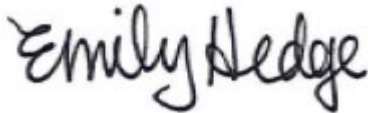
Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental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

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

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

On the basis of this initial evaluation:

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



4/12/23

Signature

Date

Name: Emily Hedge, Planner III
Napa County Planning, Building and Environmental Services Department

| I. | AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|----|--|--------------------------------|---|-------------------------------------|--------------------------|
| a) | Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

a/b/c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section above, the area is defined by a mix of the residential structures, vineyards, and forested hillsides.

The existing development on the property includes a residence, residential studio, greenhouse, and two winery buildings. The winery buildings include an approximately 740 s.f. tasting room and storage building and a 440 s.f. tank room. The structures are situated at the base of the hillside. An existing driveway and parking area serve both the residence and winery. The existing tank room and greenhouse will be demolished. The project proposes expanding the tasting room storage building to a total of approximately 1,200 s.f. The building would include a tasting room, office, wine storage, and restroom. The winery building is proposed to be finished with a corten steel roof, natural redwood siding and a fieldstone base. Over time the materials will develop natural patinas. The building would be no closer to the road than the closest portion of the existing structure. An approximately 8,800 s.f. cave would be constructed into the hillside north of the proposed winery building. The cave design includes a cul-de-sac turn around area in front of the cave. This area would be used for access to the cave, but would not be used for winery production, hospitality activities, or equipment storage. Approximately 60 feet into the property the driveway will add a branch to the left creating a new access road to the cave.

Silverado Trail is a Viewshed designated road per County Code Chapter 18.106 Viewshed Protection Program. Proposed site development on slopes greater than 15 percent is subject to review and design criteria to minimize effects on the natural terrain and views from designated roads. The location of the winery building, driveway expansion, and parking lot are on slopes less than 15 percent and therefore are not subject to a viewshed analysis. The hillside water storage tanks and the pipe system to the well at the base of the hillside are located underground and would not be visible. Therefore, they are not subject to a viewshed analysis. The cave is located on slopes greater than 15 percent, so Administrative Viewshed application P22-00109 was submitted to analyze visibility of the cave wall and portals from Silverado Trail. The cave front and entry portals will be located approximately 300 feet from the front property line. The approximately 29-foot high cave wall would be set back behind a curved retaining wall built into the hillside. The retaining wall would range in height from eight feet to approximately 20 feet and would create an enclosure around the cul-de-sac and portals. The cave wall would be constructed of shotcrete and coated with a warm gray color. Vegetation such as climbing ivy and hanging rosemary shrubs will be added to blend the cave into the hillside. Existing trees and vegetation in front of the cave area will add to the screening. Site improvements include a vegetated berm at the front of the property. The berm would be planted with vineyards or ornamental landscaping and at its tallest point would be approximately nine feet higher than the existing grade. This would also reduce potential views of the cave from viewpoints along Silverado Trail. Additionally, the winery building would block views of the cave from portions of Silverado Trail. Because of the design of the cave and use of earth tone materials, along with the existing vegetation and incorporation of new landscaping, substantial views of the cave wall will be screened. As designed the project complies with County Code Section 18.106.040. As required by County Code and included as a condition of approval, see below, prior to the issuance of a building permit the property owner shall be required to execute and record in the County Recorder's office a use restriction requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors to maintain conformance with County Code Section 18.106.040.

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION

The property owner shall execute and record in the County Recorder's office a use restriction, in a form approved by County Counsel, requiring existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation to be maintained by the owner or the owner's successor so as to maintain conformance with the County Code.

The expansion of the winery building and new cave will change the view of the site from Silverado Trail, however the project has been designed to limit visual impacts and utilize existing vegetation and the new landscape berm to screen the new development. The project will not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of public views of the site and its surroundings. Although Silverado Trail is a Viewshed designated road it is not a state scenic highway. No rock outcroppings or historic buildings are being removed. Tree removal is limited in order to maintain vegetation for screening purposes and to comply with the County's vegetation canopy cover retention and removal mitigation pursuant to the Conservation Regulations Napa County Code Section 18.108.020. Changes to the site would be limited and potential impacts to scenic vistas, scenic resources, and the existing views of the site are expected to be less than significant.

As designed, improvements to Silverado Trail to install the left turn lane would be completed within the County right-of-way. Required improvements such as widening would not significantly change the existing road. Impacts would be less than significant.

- d. The project proposes operational changes including increasing the weekly number of by appointment tours and tastings, employees, and adding marketing events. Hours of operation are proposed to change from 11:00 a.m. to 4:30 p.m. to allow visitation between the hours of 10:00 a.m. and 4:30 p.m. and to allow production between the hours of 9:00 a.m. and 6:00 p.m. The winery proposes a total of two (2) events per year. Marketing events would also be held between 10:00 a.m. and 4:30 p.m. The expansion of production hours could result in a minor increase in the amount of time existing and new sources of light are functioning during late afternoon and evening hours.

The expanded building would create new sources of lighting, consisting of exterior lights on the structure, interior lighting of the building, and outdoor ground lighting in the patios and adjacent to the parking area. No lighting is proposed on the cave front facing out toward Silverado Trail. Permanent outdoor lighting shall be installed, pursuant to standard Napa County conditions of approval for wineries, requiring outdoor lighting to be shielded and directed downwards. No new lighting is associated with installation of the left turn lane. As subject to the standard conditions of approval below, the project would not have a significant impact resulting from new sources of lighting. Impacts are expected to be less than significant.

6.3 LIGHTING – PLAN SUBMITTAL

- a. *Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.*
- b. *All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.*

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

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

Mitigation Measures: None are required.

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

Discussion:

a/b/e. Based on County GIS layer Napa County Important Farmland Map of 2016 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency the 7.44-acre project site includes approximately 6.8 acres designated as “Other Land”. This area includes the existing winery buildings, residence, driveway, undeveloped field (0.47 acres) to the south of the driveway, and the wooded hillside. An approximately 0.65-acre portion located on the northern side of the existing driveway is designated “Prime Farmland”. This area was previously planted in vineyards but has been an undeveloped field since 2020. With project approval this portion of the property would include the driveway expansion to access the cave, as well as new vineyards and ornamental landscaping. The undeveloped field south of the driveway would also be planted with vineyards and landscaping. Although portions of the Prime Farmland area would be developed with winery infrastructure, in total approximately 0.7 acres of the property would be planted in vineyards. Land on the property would still be used for an agricultural use.

The project would not impact the totality of the parcel’s agricultural land. General Plan Agriculture Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. Therefore, the proposed project would not conflict with existing zoning for agricultural uses. There is not an agricultural contract on the property. Installation of the left turn lane would occur in the existing paved area of Silverado Trail or within the County right of way. There are no other changes included in this proposal that would result in the conversion of Farmland. As a result, the proposed project would not result in the conversion of special status farmland to a non-agricultural use. No impacts would occur.

c/d. According to the Napa County Environmental resource maps (based on the following GIS layer – Vegetation) the project site contains sensitive biotic communities including Oak Woodlands and coniferous forest (Douglas-fir). The area along Silverado Trail previously planted in vineyards is designated Agriculture. The proposed winery building, outdoor patios, and parking are in the area currently developed with winery and residential structures. The cave wall and cul-de-sac in front of the portals are northeast of the existing development. Tree removal is proposed near the cave portal and along the driveway, with a few individual trees being removed near the parking area and outdoor patios. Preliminary plans estimate 10 individual trees and six (6) tree clusters along the driveway. No tree

¹ “Forest land” is defined by the State as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some “forest land” to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on “forest land.” In that analysis specifically, and in the County’s view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

removal is required for placement of the proposed underground tanks on the hillside. No tree removal would occur on the hillside in the location of the Doug-fir trees. No tree removal is required for installation of the left turn lane. These improvements are not within areas that would cause a conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, nor would it result in the loss or, or conversion of, forest land to a non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits. No impacts would occur.

Mitigation Measures: None are required.

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

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

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

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

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

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

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, In Your Community: Napa County, April 2016)

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

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

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The size of the entire project is approximately 10,000 square feet, including the winery building (1,200 square feet) and cave (8,800 square feet). The winery buildings and cave include approximately 1,800 square feet dedicated to accessory and hospitality uses and approximately 8,200 square feet dedicated to production uses. Compared to the BAAQMD's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses. The project falls below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- c/d. In the short term, potential air quality impacts are most likely to result from construction activities related to the building construction and cave expansion. Construction emissions would have a temporary effect; consisting mainly of dust during construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

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

1. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
5. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
6. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building*

- pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
7. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.*
 8. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.*

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

7.1 SITE IMPROVEMENTS

b. DUST CONTROL

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

While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. All production activities would occur within the cave and the trash enclosure is proposed within the cave. The physical improvements and operational changes would not significantly increase odors associated with the winery. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None are required.

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

a/b. According to the Napa County Environmental resource maps (based on the following GIS layer – Vegetation) the property contains sensitive biotic communities including Oak Woodlands and coniferous forest (Douglas-fir). The area along Silverado Trail previously planted in vineyards is designated Agriculture. The proposed winery building, outdoor patios, and parking are in the area currently developed with winery and residential structures. The cave, cave wall, and entry cul-de-sac in front of the portals are northeast of the existing development. Tree removal is proposed near the cave portal and along the driveway, with a few individual trees being removed near the parking area and outdoor patios. Preliminary plans estimate 10 individual trees and six (6) tree clusters along the driveway. No tree removal would occur on the hillside in the location of the Doug-fir trees. The water tanks will be underground and the pipe system to/from the water tanks to the well will utilize a shallow buried joint trench for conveyance up and down the hillside. No tree removal is required for placement of the proposed underground tanks or utilities lines. As discussed in subsection (e) and (f) of this section, Oak woodland preservation and retention has been incorporated to comply with County code. Riparian habitat or other sensitive natural communities were not identified on site.

According to the Napa County Environmental resource maps (based on the following GIS layer – CNDDDB layer), potential for pallid bat and townsend's big-eared bat have been identified in the vicinity of the property. In order to address this potential impact, the applicant provided documentation from WRA Environmental Consultants regarding an assessment for bat habitat. The document, dated February 14, 2022, provided a background of the site and proposed project, along with information on the methods utilized, and their results. Two areas were the focus of this assessment: 1) The portion of the property where construction of new winery facilities is planned, requiring demolition of some existing structures, tree removal, and other associated activities; and, 2) an on-site area proposed to house new water tanks. A buffer of approximately 100-feet around these disturbance footprints was also assessed, with the total assessment area hereafter referred to as the Study Area. At the time of the assessment the vineyard and tasting room were operational, and all buildings were currently occupied. The woodland found across most of the property was recently burned and many trees which had burned were now collapsed. The general area surrounding the Study Area includes other vineyards, undeveloped land (mostly woodland) and rural residences. A daytime roost assessment was performed on February 9, 2022, by WRA wildlife biologist Nick Brinton (author). The survey assessed any trees or buildings proposed for removal as well as adjacent trees and other substrates within the Study Area for their potential to support bat roosts, and specifically bat maternity (breeding) roosts. This survey was completed by walking throughout the entire Study Area and noting features or conditions that may be favorable or unfavorable for bat use, including the size/extent of features, apparent thermal exposure and conditions, frequency of disturbance, and evidence of potential predators. Trees within the Study Area (especially those scheduled for removal) were observed from multiples angles and distances, and investigated for fissures, large cracks, or basal cavities that may provide roosting substrates. Observations were made with binoculars and the naked eye. All sections of buildings scheduled for demolition were searched including any interstitial or secluded spaces, such as attics or crawl spaces.

No bats or evidence of bat roosting were observed within the Study Area, which does not appear to contain features/substrates with the potential to support bat roosting. Three buildings are proposed for removal including a greenhouse, a workshop, and a wine tasting/wine storage building. The greenhouse is entirely of glass and does not contain secluded, dark areas to support roosting bats. The workshop is entirely open inside with no attic or interstitial spaces that might be used by roosting bats. In addition, vineyard workers were continually within the building causing disturbances that would dissuade bats from occupying any internal areas of the workshop that were also open to light and air movement. The tasting room/wine storage building was investigated but no signs of bat occupation were observed, including in the small attic space. The roof of the workshop and wine tasting/wine storage buildings were comprised of sheet metal, with a vented peak. Roofs of this design do not maintain thermal stability and fluctuate in temperature with ambient conditions throughout the day. As such these buildings are unsuitable for bat maternity roosting or hibernation as stable thermal conditions are absent. The wine tasting/wine storage building is also regularly cleaned and maintained to maintain sanitary conditions for serving and storing wine, making all areas subject to regular disturbance and unlikely to support roosting bats. Many of the trees within the Study Area are small (< 8 inch DBH) and not scheduled for removal. Trees of this size do not have suitable mass to provide the stable thermal conditions that support bat roosting. Larger trees are also present, some of which were fire scarred, but did not appear to be severely burned to the point at which basal cavities had been exposed or formed. As such, none of the larger oaks (*Quercus* spp.), California bays (*Umbellularia californica*) or conifers appeared to contain suitable bat roosting habitat. Remaining trees scheduled for removal include ornamental species, i.e., a single magnolia (*Magnolia* sp.) as well as numerous small olives (*Olea* sp.) which line the entrance driveway. None of these trees contained large diameter trunks that would support basal cavities, or cracks/crevices that might support bats.

Additionally, all of the trees are in close proximity to developed parking lots, adding a level of anthropogenic disturbance which is generally non-conducive to bat occupation. In the portion of the Study Area around the proposed water tank location, most of the

vegetation consists of previously burned oaks or larger shrubs (e.g., manzanita [*Arctostaphylos* spp.]). These trees and shrubs do not have suitable mass to support interstitial cavities. Additionally, no large rock outcrops with vertical cracks, caves or similar subterranean features were observed in the area that might currently support roosting bats. As such this area is also unlikely to support bat roosting. The document concludes that no suitable bat roosting substrates were observed within the Study Area during the site investigation. None of the trees examined contained suitable cracks, fissures or basal cavities that might support bat roosting. No sign of historic or current bat roosting was observed in either the trees or in buildings proposed for demolition. Oaks are exceptionally dense trees and often require many years (on the order of decades) to form basal cavities that support wildlife, including bats. As such it is unlikely that the trees would form potential cavities or habitat features (e.g. exfoliating bark) within the next five (5) years unless for example, repeated fires occur in the area to accelerate the process of tree death and cavity formation/enlargement. No large rock outcrops, caves or other subterranean features were observed that might support cave dwelling species. Because no bat roost habitat was observed, nor is any likely to form in the near future, additional actions or avoidance is not necessary at this time. If the design shifts substantially a follow-up assessment shall be required to assess any newly-proposed areas for development outside of the Study Area as current defined. If building construction has not commenced within five (5) years of the completion of this assessment, February 2022, a follow up assessment shall be completed. Conditions of Approval will be included requiring additional assessments if the project development areas are revised or work has not commenced with five years.

No other sensitive species have been identified on site or on the portion of Silverado Trail where the left turn lane would be installed. Based on the findings of the habitat assessment, the location of site improvements adjacent to the existing development, and the lack of other species identified on site, it is unlikely that the proposed project would have a substantial adverse effect on any candidate, sensitive or special status species, or that it would have a substantial adverse effect on sensitive natural communities. Impacts would be less than significant.

- c. According to the Napa County Environmental resource maps (based on the following GIS layer – Wetlands and vernal pools and National Wetlands Inventory) there are no wetlands on the site. The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d. The site is currently developed with residential and winery development and the proposed improvements would occur on, or adjacent to, previously disturbed areas of the property. Production activities would occur within the cave and hospitality activities would continue to occur in the winery development area. Operational changes would not greatly alter overall activities on the property. The project activities would not interfere with the movement of any native resident or migratory fish or wildlife species or with their corridors or nursery sites. No impacts would occur.
- e. Based on the property zoning of Agricultural Watershed (AW) the project is subject to the vegetation canopy cover retention and removal mitigation requirements pursuant to the Conservation Regulations Napa County Code Section 18.108.020. This section requires 70% retention of the vegetation canopy cover on the parcel (or contiguous parcels under common ownership), and that any vegetation canopy cover removed as part of the project be mitigated at a 3:1 ratio (by acreage) via preservation or restoration, and permanently preserved through deed restriction or other means acceptable to the County. Due to impacts from the fires in 2020, the vegetation canopy cover analysis shall be as configured on the parcel existing on June 19, 2018, pursuant to NCC Chapter 8.80.130, Conservation Regulations for Fire Damaged Properties.

The vegetation canopy cover subject to NCC 18.108.020 includes the oak woodland and coniferous forest vegetation communities. The applicant submitted a Canopy Retention Analysis, prepared by WRA Environmental Consultants, dated March 21, 2022. As determined by WRA the total existing canopy cover is approximately 5.6 acres. Individual oak trees identified in the existing developed area of the site around the existing winery and residential structures (developed land cover area) were not included in the vegetation canopy cover analysis per the biologist assessment that these trees are isolated from the oak woodland habitat. The total acreage of canopy cover considered for removal under this project is calculated at 0.6 acres, which includes an area of trees already removed following the 2020 fire (approximately 0.5-acre) and the area in the location of the cave development (approximately 0.1-acre) proposed for removal with this project. As proposed, the project would retain approximately 5 acres, resulting in an 89% retention compared to the 2018 condition. This is in compliance with NCC Section 18.108.020(C). The proposed total canopy cover removal of 0.6-acre would require approximately 1.8-acre preservation area to comply with 3:1 preservation ratio found in NCC Section 18.108.020(D). Civil improvement plans show two preservation areas totaling approximately 1.8 acres, in compliance with NCC Section 18.108.020(D) and (E). As proposed, the vegetation canopy cover removal complies with County code 18.108.020.

In addition to the vegetation canopy cover analysis the oak woodland removal is subject to General Plan Policy CON-24, which requires preservation or replacement of lost oak woodlands at a 2:1 ratio on an acreage basis. Based on the Land Covers figure the total of oak woodland already removed and proposed for removal is 0.34-acre, resulting in a requirement of an approximate 0.7-acre oak woodland preservation area to be consistent with County policy. The Tree Canopy Exhibit and Land Covers Exhibit demonstrate that the proposed preservation areas include a minimum of 0.7-acre oak woodlands, and therefore is consistent with Policy CON-24.

Conditions of approval related to vegetation canopy cover preservation and oak woodland preservation will be included to ensure the site is developed and preservation is incorporated as proposed. The project would not conflict with any local policies or ordinances. No

impacts would occur.

6.15 VEGETATION CANOPY COVER PRESERVATION

1. *A Vegetation Canopy Cover Preservation Area totaling 1.8 acres of vegetation canopy cover consistent with Sheet C1.1, Tree Canopy Retention Area, shall be designated as such in a deed restriction or conservation easement or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including, but not limited to conversion to other land uses such as agriculture or urban development and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The Owner/Permittee shall record the deed restriction or conservation easement prior to earthmoving or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the oak woodland and Douglas fir forest being impacted as a result of the proposed project, as follows: areas to be preserved shall take into account the type of vegetation being removed, and species diversity and species that are limited within the project property and Napa County; the acreage included in the preservation area should be selected in a manner that minimizes fragmentation of forest within the project property, protects special-status species; and the preservation area should not include portions of the property already subject to development restrictions (i.e., within creek setbacks or on slopes over 50%). The area to be preserved shall be determined by a qualified biologist with knowledge of the habitat and species and shall obtain final approval from Napa County.*
2. *Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the project site (typically within approximately 50-feet of the project site). The precise locations of said fences shall be shown on grading and/or building permit plans and approved and inspected by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of project construction.*
3. *The Owner/Permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the project area.*
4. *In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P21-00294 shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval, that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before final inspection of the building permit. Any replaced trees shall be monitored for at least three years to ensure an 80 percent survival rate. Replacement trees shall be installed and documented that they are in good health prior to final inspection of the building permit.*

6.15 BAT HABITAT REASSESSMENT

In the event that construction of improvements requiring tree removal has not commenced within five (5) years of the completion of the WRA Environmental Consultants assessment for bat habitat, dated, February 2022, a follow up assessment shall be completed and submitted to the Planning Division for review prior to the issuance of a grading or building permit.

- f. The site is not subject to any adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans. No impacts would occur.

Mitigation Measures: None are required.

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

Discussion:

a/b. A discussed in detail in Section XVIII. Tribal Cultural Resources, Archeological Resource Service (ARS) prepared a Cultural Resources Evaluation in May 2022. The site investigation completed as part of the evaluation resulted in a positive find, indicating the presence of a cultural resource within part of the project area. On June 14, 2022, a site visit was conducted with ARS staff, county staff, the winery's project team, a representative from Middletown Rancheria, and a representative from the Mishewal Wappo joined in via a phone call held on speaker phone. The recommendation from ARS and the tribal representatives was to preserve cultural resources in place. The applicant has revised their design to accommodate the recommended approach as detailed in Appendix 3 of the Evaluation. All excavation, grading, vegetation removal, trenching, compaction, placement of fill, or other earth disturbing operations undertaken as part of the project shall be discussed between the archaeologist and the project engineer to ensure the work is the minimum necessary and that design measures are incorporated to preserve the resource(s) in place. Work shall be monitored by a professional archaeologist and a tribal representative. No historical resources were identified on site. A condition of approval will be included to ensure compliance with the recommendations of the Evaluation and mitigations identified in Section XVIII. Tribal Cultural Resources Mitigation Measure TRC-1, TRC-2, TRC-3, TRC-4, and TRC-5.

Additionally, the following standard condition of approval will be included to cover all development activities on site and the left turn lane location. If resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and monitoring representatives or a qualified archaeologist shall be retained to investigate the site in accordance with the following standard condition of approval. Impacts are anticipated to be less than significant.

7.2 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

With incorporation of Mitigation Measures and conditions of approval, potential impacts to cultural resources will be less than significant.

c. No human remains have been previously encountered on the property, and no information has been encountered that would indicate that this project would encounter human remains. If human remains are encountered during project development, construction of the project is required to cease, and the requirements of Condition of Approval 7.2, listed above, would apply. No impacts would occur.

Mitigation Measures: None are required.

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

Discussion:

- a. The proposed project would comply with Title 24 energy use requirements for the new building and cave development. In complying with these requirements, the project would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.
- b. The proposed project would not conflict with the provisions of a state or local plan for renewable energy or energy efficiency because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures: None are required.

| VII. | GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|------|--|--------------------------------|---|-------------------------------------|--------------------------|
| | a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| | i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Discussion:

- a.
- i.) There are no known faults that run beneath the project site on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing of a known fault. Impacts would be less than significant.
 - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Code and standards related to the construction of the new building and cave would reduce the potential impacts to a less than significant level in relation to seismic ground shaking.
 - iii.) According to Napa County Environmental Resource maps (based on the following GIS layer – Liquefaction) the hillside portion of the parcel is designated in an area with a Very Low susceptibility for liquefaction and the flatter portion of the property and Silverado Trail are designated Medium susceptibility. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. A geotechnical report will be required to be prepared prior to submittal of the building permit for the cave. The cave and new building will be constructed in compliance with the latest edition of the California Building Code for seismic stability. Impacts would be less than significant.
 - iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there is no evidence of landslides on the property or adjacent properties. Construction is primarily in already developed areas. As stated above, a geotechnical report will be required to be prepared prior to submittal of the building permit for the cave. Impacts are expected to be less than significant.
- b. Based on the civil plans, submitted by Sherwood Design Engineers, dated January 27, 2023, building construction and site improvements are primarily located in areas already developed by the existing winery buildings, residential structures, driveway and parking area, and prior vineyards. As discussed in Section V. Cultural Resources, the existing soil will remain in place and all development will be placed on fill above the existing grade. The cave excavation would generate approximately 12,600 cubic yards of dirt. The cave spoils would be used on site in the location of the landscape berm. The construction of the cave would not affect topsoil or result in soil erosion. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code. Prior to issuance of a building permit the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the County Engineering Division prior to the commencement of any on site land preparation or construction. Engineering Division Conditions of Approval have been included to ensure compliance with the requirements. Impacts would be less than significant.
- c/d. According to the Napa County Environmental Resource Maps (based on the following layers - Geology, Surficial deposits, Soil Types, Geologic Units), the flat portions of the property, in the building, driveway, and parking areas, includes Bale clay loam (0 to 2 percent slopes), with Holocene fan deposits. Soils on the hillside cave location are Boomer gravelly loam, volcanic bedrock (14 to 60 percent slopes, MLRA 15) with Sonoma Volcanics (Pliocene-Miocene) deposits. The hillside portion of the parcel is designated in an area with a Very Low susceptibility for liquefaction and the flatter portion is designated Medium susceptibility. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. A geotechnical report will be required to be prepared prior to submittal of the building permit for the cave. The cave and new building will be constructed in compliance with the latest edition of the California Building Code. The project is not proposed on an unstable geologic unit or soil that would become unstable or would create direct or indirect risks to life or property. Impacts are expected to be less than significant.
- e. The project would not violate any water quality standards or waste discharge requirements. A Wastewater Feasibility Study, dated July 2022, was prepared by Sherwood Design Engineers detailing the existing system and proposed changes to accommodate the changes in employees and hospitality. The project site includes an existing septic system that consists of a septic tank and conventional gravity leachfield. The existing septic system is proposed to be removed per Napa County Planning, Building, and Environmental Services (PBES) requirements as part of the proposed improvements.
- The proposed project will produce two (2) separate wastewater streams. Domestic wastewater is generated by the residence and employee break room and lavatory use as well as tasting/event visitor lavatory use. All catered meals will be prepared offsite and therefore kitchen wastewater will not be generated onsite. Domestic wastewater from the proposed project will increase above existing levels due to the increase in employees and visitors. Wastewater production from the existing residence would be reduced following

conversion of the residential studio to a residential storage building. The domestic wastewater system for the winery and residence is proposed to include a subsurface drip dispersal system. A site evaluation was performed in November 2021; the test pits showed suitable soil for the installation of a subsurface drip field and the required replacement area.

Process wastewater is generated by winemaking activities including but not limited to grape crushing, fermentation, and equipment cleaning/sanitization. Winery production is not proposed to increase, so generation of winery process wastewater will not increase over existing conditions. The winery process wastewater system is proposed to include a pretreatment system followed by surface dispersal on vineyard and landscape irrigation areas and will be designed per RWQCB and PBES requirements. A pressure distribution leachfield is proposed as the 100% replacement area. A wastewater and irrigation balance will be performed following approval of the Use Permit Modification to establish the storage tank size and irrigation programming required. Underground treatment tanks are preferred and will be located outside an areas of cultural resource concern as identified by the project archaeologist.

The proposed wastewater improvements presented in this feasibility study will enhance the method of wastewater that is currently used by the facility which includes a combined conventional leachfield type system without pretreatment. The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required. Impacts would be less than significant.

- f. No paleontological resources or unique geological features have been identified on the property in the project area. Structural and site development is primarily in the developed areas and the hillside cave location is comprised of volcanic bedrock (14 to 60 percent slopes, MLRA 15) with Sonoma Volcanics (Pliocene-Miocene) deposits a common geology in Napa. The project is unlikely to uncover paleontological or unique geological features. Impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion: On April 20, 2022, the Bay Area Air Quality Management District (BAAQMD) adopted new recommended thresholds for determining the significance of individual projects' greenhouse gas impacts under CEQA. Under the new thresholds, proposed land use projects may be analyzed for consistency with a qualified greenhouse gas (GHG) reduction strategy in the event one has been adopted. To date, Napa County has not adopted a qualified GHG reduction strategy pursuant to CEQA Guidelines section 15183.5. Absent an adopted strategy, BAAQMD recommends that a land use project must include specified minimum design elements to ensure that the project is contributing its "fair share" toward achieving the state's key climate goal of carbon neutrality by 2045. Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

- a-b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.

Consistent with the General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed

by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). As discussed in Section III. Air Quality, the applicant provided an Air Quality and GHG Emissions Assessment prepared by Illingworth & Rodkin, Inc. dated July 11, 2022 – Revised October 6, 2022, which noted that construction emissions would have a temporary effect and BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

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

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

Specifically for buildings, the project must not:

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

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

Specifically for transportation, the project must:

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

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

As discussed above and in section XVII. Transportation, the County maintains a TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers did not required completion of a traffic study or VMT analysis.

Additionally, the applicant already implements the following greenhouse gas reduction methods at the winery, as listed on the County Voluntary Best Management Practices Measures worksheet dated April 3, 2023. Construction and site improvement development included utilizing energy conserving lighting and water efficient fixtures, a natural green roof of the cave, installation of an electric vehicle charging station, and inclusion of striping for a bicycle lane with the left turn lane and bicycle parking on site. Additionally, the drainage design incorporates low-impact development, and treated winery wastewater would be used for the landscaping which has been designed to comply with the State Water Efficient Landscape Ordinance (WELO). The winery will use 70-80% cover crop along with retaining biomass removed from agricultural processes on site, instead of burning on-site. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures submitted with the project application.

The proposed tree removal is subject to GHG analysis, as the proposed total tree removal would result in loss of carbon sequestration.

Tree removal associated with the project includes 0.1 acre at the proposed cave location and 0.1 acre of individual trees being removed from the area already developed with winery structures and the residence. Emissions resulting from the tree removal is offset by the permanent preservation of minimum 1:1 by acreage ratio of similar woodland on developable land (i.e., <30% slopes, outside of setbacks). To be consistent with the State's long-term climate goals of being carbon neutral by 2045, the project includes a permanent preservation area of 1.8-acres of oak woodland and coniferous forest on otherwise developable land, preserving carbon sequestering trees through deed restriction or other means of permanent protection. As discussed in Section IV. Biological Resources, a condition of approval has been added to ensure compliance with these preservation ratios. Based on the proposed design and required conditions of approval, the loss in carbon sequestration from the proposed removal of trees would be offset by permanently protecting the equivalent amount or more of carbon sequestering trees on developable land from future development as would be removed by the project.

If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building code, and the County's conditions of approval, impacts are considered less than significant.

Mitigation Measures: None are required.

| IX. | HAZARDS AND HAZARDOUS MATERIALS. Would the project | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|-----|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| | a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a. The proposed project would not involve the transport of hazardous materials other than those small amounts utilized in typical winery operations. Impacts would be less than significant.
- b. Hazardous materials such as diesel and maintenance fluids would potentially be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of an existing winery that would not be expected to use any substantial quantities of hazardous materials. The operation changes are not anticipated to significantly increase the quantities. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environments. Impacts would be less than

significant.

- c. There are no schools located within one-quarter mile from the existing winery buildings. The nearest school to the south is approximately three (3) miles away from the winery and schools within the City of Calistoga to the north are approximately four miles from the winery. No impacts would occur.
- d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.
- e. No impact would occur as the project site is not located within an airport land use plan.
- f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed modifications to the use permit. The existing driveway would be improved to meet County standards, and the new portion of the driveway would meet county standards including a fire truck turn around at the cul de sac in front of the cave. The proposed winery would not obstruct an emergency response or evacuation plan. Impacts would be less than significant.
- g. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the flat portion of the parcel is designated as an area of moderate fire risk and the hillside portion is designated high fire risk. The winery development is located on the flat portion of the property at the base of the hillside. The hillside above the winery is undeveloped and consists primarily of dense woodland cover. Tree removal is proposed near the cave portal and along the driveway, with a few individual trees being removed near the parking area and outdoor patios. Preliminary plans estimate 10 individual trees and six (6) tree clusters along the driveway. The hillside portion of the property burned in the 2020 Glass fire. A number of trees were burned, but no structural damage occurred.

The proposed project would increase by appointment tours and tastings, adds two events, and increases employees, thus increasing the total number of employees, visitors, and guests who work at and visit the project site on a daily and annual basis.

The proposed physical improvements are within the existing developed area of the site and in the cave location north of the building. The improvements would not result in a physical modification to the site that would alter factors that would likely exacerbate wildfire risks. Access onto and throughout the parcel would comply with the Napa County Road and Street Standards, which includes designs to accommodate fire apparatus. Although the project results in a larger amount of people on site, the proposed physical improvements and operational changes do not increase the potential for significant loss, injury or death due to wild-land fires. See section XX. Wildfire for additional detail. Impacts of the project would be less than significant.

Mitigation Measures: None are required.

| X. | HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|----|---|--------------------------------|---|-------------------------------------|--------------------------|
| | a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would: | | | | |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| i) result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

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

On March 28, 2022, August 9, 2022, and November 8, 2022, the Napa County Board of Supervisors adopted resolutions proclaiming a continued state of Local Emergency due to the 2021-2022 drought. On June 7, 2022, the Napa County Board of Supervisors provided direction regarding interim procedures to implement Executive Order N-7-22 for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use during the declared drought emergency. The direction limits a parcel's groundwater allocation to 0.3 acre feet per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies.

- a. As discussed in Section VII. Geology and Soils the project would not violate any water quality standards or waste discharge requirements. A Wastewater Feasibility Study, dated July 2022, was prepared by Sherwood Design Engineers detailing the existing system and proposed changes to accommodate the changes in employees and hospitality. The proposed wastewater improvements presented in the feasibility study will enhance the method of wastewater that is currently used by the facility. The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required. Impacts would be less than significant. Additionally, water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. Impacts would be less than significant.
- b. A Water Availability Analysis was prepared by Sherwood Design Engineers, dated Revised September 21, 2022. As directed by the County Water Availability Guidelines (May 2015) the report includes a Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis, a Tier 2 well interference analysis, and a Tier 3 surface water interference analysis.

The Tier 1 analysis considered existing uses onsite to include the residence and studio, winery domestic use, winery process use, and landscape irrigation. An onsite water audit was completed and the existing water use associated with the residence, winery, and

vineyards is estimated to be 1.37 acre-feet/year (af/yr). Due to the increase in employees and hospitality guests, along with the new landscape design, total water use would increase to 1.54 af/yr. Vineyards will be planted on the landscape berm along the front portion of the property. The vineyards will be watered with treated process wastewater, resulting in no direct groundwater use. Although the total water use would increase, there would be no change in winery process water use and residential water use would decrease following conversion of the residential studio to a storage building. Overall, the project would result in an increased water use of 0.17 af/yr.

| Source of Demand | Existing (acre-ft.) | Proposed (acre-ft.) |
|--|---------------------|---------------------|
| Winery Production | 0.37 | 0.37 |
| Winery Domestic Use | 0.08 | 0.18 |
| Landscape Irrigation | 0.25 | 0.59 |
| Residential | 0.67 | 0.40 |
| Vineyard Irrigation | N/A | 0* |
| Total Use | 1.37 | 1.54 |
| *New vineyards will use treated process wastewater | | |

Due to the parcel location outside of the GSA boundary, a parcel specific recharge calculation was prepared. In calculating the recharge for the 7.44-acre parcel, the analysis included a conservative approach that removed 1.95 acres of the hillside portion of the site due to steep slopes. In areas where slopes exceed 30%, rainfall predominately runs off the natural grade and is not able to percolate into the groundwater aquifer. Portions of the subject parcel that includes slopes less than 30% is approximately 5.49 acres. This acreage was used as the recharge area. The groundwater recharge was estimated by reviewing the soil properties and geological materials present and their ability to percolate groundwater to the saturated zone of the aquifer. Sonoma Volcanics are the primary water bearing geological formation in the location of the parcel. The "Napa-Sonoma Valley Groundwater Basin, Sonoma Valley Subbasin" from the California Groundwater Bulletin 118 describes Sonoma Volcanics as having specific yields varying from 0 to 15 percent. The analysis used the PRISM Climate Group at Oregon State University data set for 2011 to 2021. The average annual rainfall collected over this time period is reported to be 35.58 inches. The volume of rainwater that is estimated to be available for groundwater recharge is calculated based on the recharge area, average rainfall, and the 15% recharge rate for Sonoma Volcanics. The analysis estimates 2.44 af/yr. This is greater than the proposed use of 1.54 af/yr. The proposed water use would not impact groundwater availability.

Per the WAA Guidance Document a Tier 2 analysis was performed to analyze neighboring well interference on three (3) wells within 500 feet of the project well. The project well at the base of the hillside on the eastern property line is located within the North Napa Valley Basin (NNVB). According to the Napa County Baseline Data Report (2005), the basin extends north of the city of Napa up to the valley floor to the northwestern end of the valley just north of the City of Calistoga. The majority of NNVB is an unconfined aquifer. The project well is assumed to be located in an unconfined aquifer. The well log further indicates that it was drilled within soil strata as opposed to bedrock. Per the WAA Guidance Document, the specific yield for an unconfined aquifer is typically between 0.1 to 0.3. The lower of these two values (0.1) is using in this drawdown analysis. The well drawdown calculations were performed using the Utah Division of Water Rights which has a built-in calculator that utilizes the Theis Equation to quantify well drawdown. Information from the neighboring Well's Completion Reports are used to estimate the well drawdowns. The project well is proposed to utilize a constant pumping rate of 9 gallons per minute (gpm). Well drawdown at the neighboring wells ranged from 0.01 to 0.04 feet after one day. These quantities are less than those included in the standard estimated drawdown at neighboring non-project wells included in Table 2B of the WAA Guidelines and therefore no significant interference is expected.

Per the WAA Guidance Document a Tier 3 analysis was performed to evaluate groundwater to surface water interaction. The project well is approximately 730 feet from Dutch Henry Creek, which has been designated a Significant Stream. The project well has an estimated yield of 50 gallons per minute (gpm) per the well log. Water storage tanks are proposed to provide upstream storage prior to the water connection points of use. This provides flexibility in reducing the pumping rate from the well to the storage tank to limit the instantaneous demand on the project well. A new well pump will be installed within the project well to keep the production classified as a very low-capacity pumping as defined/designated/listed in WAA Guidelines. Based on Table 3 from the guidance document (see below) for an unconfined aquifer and a very low pumping well that is located 500 feet from a surface water that meets these conditions will not significantly impact the surface water source. The project well meets all the conditions presented in this table with the exception of the "depth of uppermost perforations (feet)". This table includes a value of 100 feet below the ground surface for the start of perforations. Per the well log, perforations for the project well start at 90 feet below the ground surface. Keeping the other parameters the same, the acceptable distance from the surface channel is interpolated and estimated to be 550 feet to account for the well perforation location. The interpolated value is estimated to be 550 feet assuming a linear relationship between these values and that a 10% reduction in perforation depth results in a 10% increase in separation distance.

Table 2 WAA Distance Table for Water Wells to Surface Water

Table 3. Well Distance Standards and Construction Assumptions; Very low capacity pumping rates (i.e., less than 10 gpm), constructed in unconsolidated deposits in the upper part of the aquifer system (unconfined aquifer conditions). Assume 9 gpm (worst case)

| Aquifer Hydraulic Conductivity (ft/day) | Acceptable Distance from Surface Water Channel | | | Minimum Surface Seal Depth (feet) | Depth of Uppermost Perforations (feet) |
|---|--|-----------|-----------|-----------------------------------|--|
| | 500 feet | 1000 feet | 1500 feet | | |
| 80 | ✓ | | | 50 | 100 |
| 50 | ✓ | | | 50 | 100 |
| 30 | ✓ | | | 50 | 100 |
| 0.5 | ✓ | | | 50 | 100 |

PROJECT WELL

30

550

50

90

Sherwood Design Engineer – WAA Table 2 – Project Well information added by project Engineer

The project well is located approximately 730 feet from Dutch Henry creek which is greater than the estimated value of 550 feet. The proposed project will include installation of well pump equipment limited to a rate of 9 gallons per minute (gpm) or less, connecting to the storage tanks, to reduce the impact on Dutch Henry creek and be within the acceptable conditions for a Tier 3 analysis per the WAA guidance document. This proposed pumping rate of 9 gpm (maximum) is sufficient to satisfy the project water demands. Refer to the Water System Feasibility Report for information on project water demands and the proposed water system. A Condition of Approval will be included requiring the proposed installation of a well pump to limit the pumping rate to 9 gpm as determined above.

The project is estimated to slightly increase water usage by approximately 12% (from 1.37 af/yr to 1.54 af/yr), however, the proposed water usage of 1.54 af/yr is less than the estimated water allotment for the parcel which is calculated to be 2.44 af/yr. The proposed increase in water usage associated with the project is within the Tier 1, Tier 2, and Tier 3 criteria set forward by the WAA guidance document. The project is unlikely to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

The project will include the County’s project specific Condition of Approval setting a limitation on groundwater use for the parcel to the estimated proposed use of 1.54 af/yr and requiring well monitoring. The condition would also include the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management - The parcel shall be limited to 1.54 acre-feet of groundwater per year for all water consuming activities (utilizing wells) on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence³ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Groundwater Demand Management Program
 - 1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
 - 2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.

3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this modification.
5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, 1.54 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) above shall commence prior to final occupancy.

The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The project would not impede sustainable groundwater management of the basin. Impacts would be less than significant.

- c. Preliminary design plans demonstrate that the project design would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Installation of the left turn lane would improve existing portions of Silverado Trail and areas within the County right of way. Final improvement plans prepared prior to the issuance of a building permit or grading permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. Impacts would be less than significant.
- d. The site lies outside the boundaries of the 100 and 500 year flood hazard boundaries. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.
- e. In January 2022 the Groundwater Sustainability Agency (GSA) submitted a Groundwater Sustainability Plan (GSP) to the Department of Water Resources (DWR). As discussed above, the parcel specific groundwater recharge analysis estimated a recharge potential of 2.44 af/yr which exceeds the estimated use of 1.54 af/yr. Although the operational changes would increase water use, the levels are below the expected recharge rate. The project would not result in an impact to water use and would therefore comply with the GSP. Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. No impacts would occur.

Mitigation Measures: None are required.

| XI. | LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|-----|--|--------------------------------|---|------------------------------|-------------------------------------|
| | a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Discussion:

- a. The proposed project would not change the existing agricultural land uses of the property, which are consistent with the single-family houses and vineyards developed on properties proximate to the site. The proposed project would not introduce a non-agricultural use, nor any new, non-winery related development to the property. The proposed project would integrate with the property's surroundings and would not physically divide an established community. The project would have no impact.
- b. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is Agriculture, Watershed, and Open Space (AWOS) which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan. The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...).

The winery Use Permit was originally approved in July 1982, prior to the adoption of the Winery Definition Ordinance (WDO) regulations which established the 600 ft. and 300 ft. road setbacks as well as a 10-acre minimum lot size. At 7.44 acres, the property would not be eligible for a new winery today. However, the WDO expressly provided that wineries that were entitled prior to the WDO (known as pre-WDO wineries) were not rendered nonconforming uses and are thus allowed to expand despite being on a substandard lot. Napa County Code Section 18.104.230.B. permits wineries that were constructed prior to the adoption of the WDO to expand within the setback area only if the expansion is placed no closer than the nearest point of the existing structure to which the expansion is attached. The existing winery tasting room and storage building is approximately 206 feet from the centerline of Silverado Trail. The approximately 737 s.f. building would be expanded to approximately 1,200 s.f. with the expansion extended away from the northwestern corner of the building. The expanded portion of the building would be no closer than 206 feet from the centerline.

County Code section 18.104.230.A. states that underground portions of caves are not subject to the winery or yard setback requirements. However, cave portals shall be required to meet the setback if the portal is visible from the applicable road, and if the associated entry pad outside of the cave portal is used for winery functions (such as, but not limited to, placement of winery equipment, crushing, visitation, etc.), then the pad is also required to meet the winery setback requirements. The closest portion of the cave pad or entry area is the cul-de-sac, proposed at 265 feet from the centerline of Silverado Trail. The cave wall is set back an additional 54 feet. Retaining walls are provided along the cave portals to retain slopes around the cul-de-sac area. Based on the design of the cave the portals will not be visible from Silverado Trail. The cave portals are concealed behind the curved walls of the enclosure. Additionally, existing vegetation will be maintained to assist with overall site screening. The cul-de-sac area in front of the cave is intended only for vehicle access to and from the cave. No winery functions will occur in this area. The location of the cave entry and portals complies with County code.

There are no applicable habitat conservation plans or natural community conservation plans applicable to the property. The project complies with the remainder of Napa County Code and all other applicable regulations. Impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

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

Mitigation Measures: None are required.

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

Discussion:

a/b. A noise study was prepared by Salter Inc., acoustical engineers, in May 2022. The study focused on outdoor activities, in order to address potential noise impacts from the expanded tasting room, outdoor patios, and increased visitation. Following comments from neighbors regarding potential impacts from production activities and new outdoor equipment, the study was updated in November 2022.

The project would result in a temporary increase in noise levels during construction of the cave and winery building. Impacts due to a temporary increase in ambient noise generated from construction activities, or from groundborne vibration, would remain below a level of significance through compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The County Noise Ordinance limits construction activities to daylight hours (7:00 a.m. to 7:00 p.m.) using properly muffled vehicles. In addition to the County Noise Ordinance, the project applicant will be required to comply with project Conditions of Approval (outlined below) related to construction noise, which will limit activities further by requiring construction vehicles to be muffled and backup alarms adjusted to the lowest allowable levels. Due to the distance, natural terrain of the area, and ambient noise levels from the highway there is a low potential for impacts related to construction noise to result in substantial temporary or long-term construction noise impacts. Impacts would be less than significant.

7.3. CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses in the area are rural residential properties, vineyards, and undeveloped hillsides. Of those land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.), the timeframe within which the winery would have visitation and marketing events. Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use).

Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. Typical winery operations would occur between 7:00 a.m. and 6:00 p.m. (excluding harvest) with marketing events generally occurring between 11:00 AM and 10:00 p.m. The proposed winery hours of operation would allow visitation between the hours of 10:00 a.m. and 4:30 p.m., production between the hours of 9:00 a.m. and 6:00 p.m., and marketing events between 10:00 a.m. and 4:30 p.m.

There is no change to production levels, so there should not be a significant increase in trips related to production activities. The Winery Trip Generation form included in the County's Traffic Impact Study Guidelines provides estimates for trips associated with different uses. The trip generation calculated based on the existing 20,000 gallons of production estimated approximately one (1) truck trip per day during normal operations and two (2) truck trips per day during harvest. All production activities are proposed to occur within the cave. Concerns were raised by neighbors regarding noise from truck and equipment use in the cul-de-sac, including the use of back-up sirens. The cul-de-sac is predominantly enclosed within the cave retaining walls, and the design includes a turnaround area that would allow trucks to complete a three-point turn, removing the need to back down the driveway. Salter Inc. considered this in their revised analysis and they concluded that the site features provide shielding and sound attenuation to comply with noise regulations.

Additional concerns were raised regarding potential impacts from a component of the wastewater system that would be located outside, above ground on the northwestern side of the cave. Specific concerns were raised regarding the blowers. The equipment manufacturer was contacted and provided a calculation of approximately 75 dBA was measured three (3) feet from the blower. This noise level assumes the factory sheetmetal enclosure (with acoustic liner) will be provided for this application. In addition to the factory sheetmetal enclosure, this blower will also be enclosed in a 6-inch-thick concrete box with lid and man entry door. The applicant will incorporate the following equipment choices and installation recommendations provided by Salter and the equipment manufacturer, to reduce noise levels. The south wall door of the equipment enclosure should be constructed of similar surface weight as the concrete enclosure, and that there be no gaps in the construction. Acoustical hardware can be recommended depending on the chosen design. Similarly, venting should also be engineered to have similar losses and be oriented with openings facing away from the property line. The manufacturer should be consulted for venting noise reduction measures. If they do not have any factory options, then acoustic silencers or louvers can be recommended once the venting path is detailed. With the above planned noise reduction measures, we estimate the blower noise will be well below the 45 dBA nighttime Code criterion at the nearest property line. A condition of approval will be added to ensure that the proposed equipment selection and noise attenuating devices are included in the building permit submittal and construction.

The noise study, focused on outdoor activities to address potential noise impacts from the expanded tasting room, use of outdoor patios, and increased visitation. Visitation and marketing events would increase with this modification and new areas would be permitted for visitation and outdoor tastings. The proposed project includes an expanded tasting room with the addition of outdoor patios. These areas are proposed to be used for hospitality activities. Daily visitation and marketing events would occur between 10:00am to 4:30pm, Monday through Sunday. Maximum daily visitation is limited to 30 guests. Two marketing events per year would permit a maximum of 50 guests at each event. The proposed tasing area courtyard is to be located near the center of the property, roughly 125 feet from the east

residential property line and 160 feet from the west residential property line. The nearest adjacent residence to the proposed courtyard is approximately 240 feet to the northwest and 200 feet to the northeast. There are also residences 450 feet to the northwest and 475 feet to the south across Silverado Trail. The study took readings from two locations, one along the northern property line across from the tasting room building and one along Silverado Trail. The Napa County General Plan defines normal conversation as 60 dB. The analysis estimates the combined noise level of 50 people talking during a marketing event would be roughly 80 dB. Assuming this combined noise level, Salter opined that the noise level at the closest (east) property line 125 feet away will be 48 dB (due to noise loss over distance traveled). This resultant level at the east property line is below the 50 dB criterion and lowest measured ambient level of 54 dB. Therefore, noise from the proposed outdoor events will meet the Napa County property line criterion without the need for noise mitigation. Additional acoustical shielding will occur due to the proposed tasting building and existing trees around the patio and along the property lines.

Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term, significant, permanent noise impacts. Impacts would be less than significant.

- c. The project site is not located within an airport land use plan or the vicinity of a private airstrip. No impact would occur.

Mitigation Measures: None are required.

| XIV. | POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|------|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| | a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

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

The State of California's Department of Finance projects the total population of Napa County to increase 4% between the year 2020 and 2060 (State of California Department of Finance Projections, July 19, 2021, <https://dof.ca.gov/forecasting/demographics/projections/>). Unincorporated Napa County, and the five incorporated jurisdictions, all have existing state compliant Fifth Cycle (2014-2022) Housing Elements and are working on developing compliant Sixth Cycle (2023-2031) Housing Elements, as required by state law. Complaint Housing Elements indicates that the jurisdictions have enough dwelling units programed over the cycle to meet or exceed state growth projections.

The requested modification would facilitate the continued operation of an existing winery on the project site, with expanded hospitality service. The addition of three (3) new employees is not anticipated to generate a substantial need for additional housing.

Installation of the left turn lane would improve existing access to the site. The proposed project does not require installation of any additional, new infrastructure, including that which might induce growth by extending services outside of the boundaries of the subject site or increasing the capacity of any existing roadway. Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement).

The fees are assessed with new construction and are collected at time of building permit issuance for new construction of winery buildings. New visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other businesses supporting the winery's requested operations is uncertain, unquantifiable, and speculative.

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

- b. The residence on site will remain. The current residential studio will be converted to a residential storage building. No primary residential buildings on or off of the property would be demolished as a result of the project. Thus, no residents would be displaced, and there would be no impact.

Mitigation Measures: None are required.

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

Discussion:

- a. Public services are currently provided to the project area and the additional demand placed on existing services as a result of the proposed project would be minimal. Fire protection measures, such as winery access that meets Napa County Road and Street Standards (RSS), defensible space, and sprinklers in the expanded cave and new winery building will be required as part of the development. The Fire Department and Engineering Services Division have reviewed the application and recommend approval, as conditioned. There would be no foreseeable impact to fire or police emergency response times with compliance with these conditions of approval. The proposed project scope does not include construction of any new residential units nor accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the cities west and south of the winery. No new parks or other public recreational amenities or facilities (such as police or fire stations) are proposed to be built with or as a result of the requested use permit major modification. School impact fees, which assist local school districts with capacity building measures, would be levied for any required building permits for the project, however as demonstrated in Section XIV(a), Population and Housing, the project is expected to create a minimal increase in the county's population and its need for housing such that local schools would not be strained by the proposed project and the increase in visitation, marketing events, and employment. The proposed project would have minimal impact on public parks as no residences are proposed, and as previously noted the increase in regional population from the proposed project is expected to be minimal. Installation of the left turn lane would improve existing access to the site. Impacts to public services would be less than significant.

Mitigation Measures: None are required.

| XVI. | RECREATION. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|------|--------------------------------|--------------------------------|---|------------------------------|-----------|
|------|--------------------------------|--------------------------------|---|------------------------------|-----------|

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion:

- a. The requested modification does not include any residential component and is not likely to lead to the accompanying introduction of new residents to the site or area. The modification would increase the number of winery employees and the number of weekly tours and tastings visitors to the property, some of whom might visit regional recreational facilities on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.
- b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit major modification. The proposed project would have no impact.

Mitigation Measures: None are required.

| XVII. | TRANSPORTATION. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|-------|------------------------------------|--------------------------------|---|------------------------------|-----------|
|-------|------------------------------------|--------------------------------|---|------------------------------|-----------|

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- c) Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?
- e) Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?

Discussion:

- a./c./d. The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed

consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips. Based on the County's Trip Generation worksheet, the proposed project would generate approximately the following Average Daily Trips (ADT) - Weekday Daily Trips: 39 (Harvest), 37 (Non-Harvest) and Weekend Daily Trips: 37 (Harvest), 35 (Non-Harvest). There is a slight increase over the existing ADT ranging from 28 to 32 due to the proposed increase in employees from two full-time to three full-time and two part-time. There is no increase in the daily maximum visitation, however weekly visitation would increase from 100 guests per week to 210 guests per week. The trip generation does not exceed 110 net new daily trips, therefore the project is not required to prepare a traffic study.

Although a TIS was not required, Sherwood Design Engineers prepared a Transportation Memorandum, dated March 15, 2022, with a left turn lane warrant analysis. The analysis utilized 2020 Caltrans traffic flow volumes reported for Silverado Trail having an Average Annual Daily Trip that ranged from 9,100 to 10,700 trips. Based on the "Left Turn Lane Warrant Graph" in the TIS Guidelines any driveway along Silverado Trail with an Average Annual Daily trip over 20 trips would require a left turn lane. As calculated in the Trip Generation Worksheet, the proposed project would generate more than 20 trips per day and therefore requires installation of a left turn lane. Preliminary plans were submitted and reviewed by the Engineering Division and Department of Public Works. All work would be completed within the County right of way. The preliminary design complies with County standards. Final plans would be reviewed and approved by the Department of Public Works.

The parcel is accessed via a private driveway off Silverado Trail. The project proposes modification to the existing driveway to bring the driveway into compliance with the current Napa County Road and Street Standards (RSS) and provide vehicular access to the new cave. The existing driveway will remain in the same location, providing access to the updated parking area. The driveway will require minor widening and re-paving. Approximately 60 feet into the property the driveway will add a branch to the left creating a new access road to the cave. This portion of the driveway would terminate at the cul-de-sac in front of the cave, which includes a turnaround area that will accommodate large vehicles and fire apparatus.

While the study area lacks pedestrian facilities and transit service, there is not expected to be a demand for this type of transit. To accommodate cyclists utilizing Silverado Trail, the project would provide bicycle parking spaces in accordance with requirements of the California Building Code. As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. All designs will comply with County RSS and PW standards for safe access into and throughout the site. The project would not substantially increase hazards due to design features. Impacts would be less than significant.

- b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised *CEQA Guidelines* in December 2018, along with a *Technical Advisory on Evaluating Transportation Impacts in CEQA* to assist practitioners in implementing the *CEQA Guidelines* revisions.

The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new *CEQA Guidelines* and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The TIS Guidelines include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. This project would fall into the category of a "project modifying an existing facility that would generate additional trips". The TIS Guidelines state that if the net cumulative result of all project modifications after January 1, 2022, would generate less than 110 net new daily passenger vehicle and truck trips the project is presumed to have a less than significant impact for VMT. As noted above, based on the trip generation sheet, the maximum employee and visitor/guest data for the harvest/crush season, the proposed project would not exceed the 110 trip threshold and is therefore presumed to have a less than significant impact. The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

- e. Developers of new or expanded land uses are required to provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand. Excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity is discouraged. The winery was approved for eight (8) parking spaces, and the current parking area is located in front of the residence and existing winery buildings. The project proposes to redesign the parking area, maintaining the total of eight (8) parking spaces. Two parking spaces would be reserved for the residence and denoted with signage, resulting in six (6) parking spaces for the winery. The parking lot would be inadequate for the events, so the applicant shall provide shuttle services or arrange for guests to park off site. A condition of approval will be included to ensure that shuttle services are provided for marketing activities. The proposed project would not be in conflict with General Plan Policy CIR-14.

Mitigation Measures: None are required

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

Discussion:

- a/b. On May 3, 2022, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Staff received a response from the Yocha Dehe Tribe on May 23, 2022. The Tribe did not request to consult or provide comments. Staff was contacted by representatives from the Middletown Rancheria and Mishewal Wappo Tribe requesting additional information on the project and to be included in a site visit.

A Cultural Resources Evaluation, dated May 13, 2022, was prepared by Archeological Resource Service (ARS) to determine the presence or absence of potentially significant cultural resources within the footprint of the proposed project. The evaluation included a check of the information on file with our office and the Regional Office of the California Historical Resources Information System, to determine the presence or absence of previously recorded historic or prehistoric cultural resources, and a check of appropriate historic references to determine the potential for historic era archaeological deposits. The overall literature search determined that the current project area has not been the subject of a previous cultural resource study and there are no previously recorded archaeological sites located within the project area. ARS contacted the Native American Heritage Commission (NAHC) to determine the presence or absence of listed Sacred Lands within the project area and all appropriate Native American organizations or individuals designated by the Native American Heritage Commission as interested parties for the project area. At the time of preparation of the evaluation no response has been received from the NAHC.

Additionally, a surface reconnaissance of all accessible parts of the project area was conducted to locate any visible signs of potentially significant historic or prehistoric cultural deposits. The site evaluation reviewed the open flat area formerly occupied by vineyards, the locations proposed for changes or additions to buildings, the proposed driveway and parking, the entrance area for the cave, and the water tank site above the tasting room on the hill. The investigation resulted in a positive find, indicating the presence of a cultural resource within part of the project area. An archaeological site record (DPR form 523) was filed with the Northwest Information Center (NWIC). At time of preparation of the analysis the form was in process and a permanent number had not yet been issued.

The evaluation recommendations to protect the archaeological record included preserving it in place, in the ground, or preservation through a program of archaeological data recovery, analysis and curation. Preservation in place requires the soil that is presently on site to remain in place. This is the preferred choice.

On June 14, 2022, a site visit was conducted with ARS staff, county staff, the winery's project team, and a representative from Middletown Rancheria. A representative from the Mishewal Wappo tribe was not able to attend in person but joined in via a phone call held on speaker phone. The observations and recommendations of the archaeological report were generally upheld. The representative of Middletown Rancheria, who was present, supported the idea of protection of the site through the careful placement of fill soil. The representative from the Mishewal Wappo tribe was also supportive of the concept but was not present to review the plan during the site visit. As discussed, all excavation, grading, vegetation removal, trenching, compaction, placement of fill, or other earth disturbing operations undertaken as part of the project should be discussed between the archaeologist and the project engineer to ensure the work is the minimum necessary and that design measures are incorporated to preserve the resources in place. The work must be monitored by a professional archaeologist and a tribal representative.

Middletown Rancheria provided recommendations for training and monitoring to be incorporated with the project design and approval for preservation or mitigation of potentially significant impacts to tribal cultural resources. As representatives from Middletown Rancheria and Mishewal Wappo tribes participated in the consultation, staff recommends contacting both tribes. The use of the word "Tribe" in the mitigation measures refers to both Middletown Rancheria and Mishewal Wappo. With incorporation of these mitigation measures and conditions of approval, potential impacts would be less than significant.

Mitigation Measures:

MM TCR-1: The Project applicant must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

Monitoring and Reporting Action: Prior to initial ground disturbance, the applicant shall submit documentation to the Planning Division that the Tribe has been contacted.

Monitoring Agency: Planning Division

MM TCR-2: Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources.

Monitoring and Reporting Action: Prior to initial ground disturbance, the applicant shall submit documentation to the Planning Division that a Tribal Cultural Advisor has been designated for the project and provide the Advisor's contact information.

Monitoring Agency: Planning Division

MM TCR-3: All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.

Monitoring and Reporting Action: Prior to initial ground disturbance, the applicant shall submit documentation to the Planning Division that training with a Tribal Cultural Advisor has been completed.

Monitoring Agency: Planning Division

MM TCR-4: Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely.

Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

Monitoring and Reporting Action: During ground disturbing activities the project area shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Any changes to the full-time monitoring requirement from the Advisor shall be documented and provided to the Planning Division in writing.

Monitoring Agency: Planning Division

MM TCR-5: The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.

Monitoring and Reporting Action: During ground disturbing activities the project area shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe, unless modified by the Advisor as noted in TCR-4. The completion of ground disturbing activities shall be documented and provided to the Planning Division. Documentation shall include a statement from the Tribal Cultural Advisor.

Monitoring Agency: Planning Division

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

Discussion:

- a. As discussed in detail in Section VII. Geology and Soils, a Wastewater Feasibility Study, dated July 2022, was prepared by Sherwood Design Engineers. The existing septic system is proposed to be removed per Napa County PBES requirements. The domestic wastewater system for the winery and residence is proposed to include a subsurface drip dispersal system and the winery process wastewater system is proposed to include a pretreatment system followed by surface dispersal on vineyard and landscape irrigation areas. The process waste system will be designed per RWQCB and PBES requirements. The facility will have to enroll for coverage

under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required. Impacts will be less than significant.

A Water System Feasibility Report, dated July 2022, was prepared by Sherwood Design Engineers. Based on the proposed uses, the onsite public water system will be classified as a transient noncommunity (TNC) public water system per the State of California Drinking Water Requirements. The existing water system (tanks, utilizes, treatment devices) will not be used as part of the proposed project and will be demolished as part of the improvements. Water is proposed to be pumped from the project well to the proposed water storage tanks that will be installed approximately 750-ft north up the hill beneath what is currently an existing unpaved access road. One of the proposed below ground storage tanks will be a 50,000-gallon fire protection and irrigation water storage tank. The other proposed below ground tank will be a 15,000-gallon domestic water storage tank. The pipe system to/from the well to the water tanks will utilize a shallow buried joint trench for conveyance up and down the hillside. Water supply piping to the existing residence, proposed cave, proposed tasting room, proposed irrigation, and fire protection lines, will be supplied by a proposed joint trench branch that branches off the uphill joint trench run, and extends west on grade, south of the proposed cave, north of the other site improvements. Water quality will be analyzed post use permit approval and adequate treatment and disinfection will be included with the water system per the CA Drinking Water and Napa County Planning, Building, and Environmental Services Requirements. The Division of Environmental Health reviewed this report and concurred with its findings.

Stormwater drainage would be managed through the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division. Through compliance with County code impacts are less than significant.

The project does not require the construction of new or expanded electric power, natural gas, or telecommunications facilities. Impacts are expected to be less than significant.

- b. As discussed in Section X. A Water Availability Analysis was prepared by Sherwood Design Engineers, dated Revised September 21, 2022. The report includes calculations for the existing and proposed water uses and a groundwater recharge analysis. An onsite water audit of existing uses was completed, and the existing water use associated with the residence, winery, and vineyards is estimated to be 1.37 acre-feet/year (af/yr). Due to the increase in employees and hospitality guests, along with the new landscape design, total water use would increase to 1.54 af/yr. Overall, the project would result in an increased water use of 0.17 af/yr. The preparation of a groundwater recharge analysis utilized the PRISM Climate Group at Oregon State University data set for 2011 to 2021, providing for the best representation of precipitation in the area for the past 10 years, including numerous drought years. The recharge was estimated to be 2.44 af/yr. This is greater than the proposed use of 1.54 af/yr. The proposed water use would not impact groundwater availability.
- c. As discussed above and in section X. Hydrology, project wastewater would be processed and utilized on site. Reports from the project engineer have demonstrated that this can be accommodated on site. The project is not served by a wastewater treatment provider; therefore, no impact would occur.
- d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have more than sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

| XX. | WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|-----|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) | Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Discussion:

- a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The existing driveway and the proposed addition will be designed and improved to meet commercial standards as defined in the Napa County Road and Street Standards (RSS). Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the existing development and proposed additions. The new buildings and cave would be equipped with sprinklers and fire suppression equipment as required by the CA Building Code. The left turn lane design will be reviewed and approved by the Department of Public Works. No impacts would occur.
- b. As discussed in Section IX. Hazards and Hazardous Materials the flat portion of the parcel is designated as an area of moderate fire risk and the hillside portion is designated high fire risk. The winery development is located on the flat portion of the property at the base of the hillside. The hillside above the winery is undeveloped and consists primarily of dense woodland cover. The hillside portion of the property burned in the 2020 Glass fire. A number of trees were burned, but no structural damage occurred. Minor tree removal would occur at the location of the cave, along with selected individual trees throughout the site. The proposed project would increase by appointment tours and tastings, adds two events, and increases employees, thus increasing the total number of employees, visitors, and guests who work at and visit the project site on a daily and annual basis. The proposed physical improvements and operational changes would not result in a physical modification to the slope of the site, change prevailing winds, or alter other factors that would likely exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts of the project would be less than significant.
- c. The existing driveway will be improved to meet County RSS. A left turn lane into the project driveway is required and will be designed to comply with the Department of Public Works standards. As discussed in Section XIX. Utilities and Service Systems, the project proposes water storage tanks for domestic water, irrigation water, and fire protection. The tanks will be installed approximately 750-ft north up the hill beneath what is currently an existing unpaved access road. These developments are not considered the types of improvements that exacerbate wildfire risk or significant environmental risk. Impacts will be less than significant.
- d. The physical improvements are located on the flat portion of the property, the majority of which is already graded, paved, or has been used for agriculture. The construction of the approximately 29-foot high cave wall would be set back behind a curved retaining wall built into the hillside. The proposed project would not physically alter the site in a way, which would expose people or structures to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures: None are required.

| XXI. | MANDATORY FINDINGS OF SIGNIFICANCE | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|------|--|--------------------------------|---|------------------------------|--------------------------|
| | a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion:

- a. As discussed in Section IV. Biological Resources The wooded hillside consists primarily of Douglas Fir and Oak trees. No Douglas fir are planned for removal and Oak woodland preservation and retention has been incorporated to comply with County code. Riparian habitat or other sensitive natural communities were not identified on site. According to the Napa County Environmental resource maps (based on the following GIS layer – CNDDDB layer), potential for pallid bat and townsend's big-eared bat have been identified in the vicinity of the property. WRA Environmental Consultants evaluated the site and concluded the trees and vegetation on site did not represent suitable habitat for bats. No sign of historic or current bat roosting was observed in either the trees or in buildings proposed for demolition. Because no bat roost habitat was observed, nor is any likely to form in the near future (approximately five (5) years), additional actions or avoidance is not necessary at this time. No other sensitive species have been identified on site. Based on the findings of the habitat assessment, the location of site improvements adjacent to the existing development, and the lack of other species identified on site, it is unlikely that the proposed project would have a substantial adverse effect on any candidate, sensitive or special status species, or that it would have a substantial adverse effect on sensitive natural communities. Impacts would be less than significant.
- As identified in Sections V. Cultural Resources and XVIII. Tribal Cultural Resources Archeological Resource Service (ARS) prepared a Cultural Resources Evaluation in May 2022, that identified a positive find, indicating the presence of a cultural resource within part of the project area. The recommendation from ARS and the tribal representatives was to preserve cultural resources in place. The applicant has revised their design to accommodate the recommended approach. All excavation, grading, vegetation removal, trenching, compaction, placement of fill, or other earth disturbing operations undertaken as part of the project should be discussed between the archaeologist and the project engineer to ensure the work is the minimum necessary and that design measures are incorporated to preserve the resources in place and work must be monitored by a professional archaeologist and a tribal representative. No historical resources were identified on site. With incorporation of Mitigation Measures TCR-1 through TCR-5 and conditions of approval, potential impacts to cultural resources will be less than significant.
- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to air quality, greenhouse gas emissions, hydrology, and traffic are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in Section VIII. Green House Gas and Section XVII. Transportation, potential impacts to air pollution and GHG emissions are being addressed through meeting BAAQMD recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, as included on the form dated April 3, 2023. Construction and site improvement development included utilizing energy conserving lighting and water efficient fixtures, a natural green roof of the cave, installation of an electric vehicle charging station, and inclusion of striping for a bicycle lane with the left turn lane and bicycle parking on site. Additionally, the treated winery wastewater would be used for the landscaping which has been designed to comply with the State Water Efficient Landscape Ordinance (WELO). The winery will use 70-80% cover crop along with retaining biomass removed from agricultural processes on site, instead of burning on-site. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures submitted with the project application. Loss of carbon sequestration through tree removal is offset by preservation of greater than the minimum 1:1 ratio. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would increase water use above the existing conditions by approximately 0.17 af/yr to a total of 1.54 af/yr. The groundwater recharge analysis estimates 2.44 af/yr. which is greater than the proposed use of 1.54 af/yr. Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. Per County TIS Guidelines any future modification to the winery would look at a VMT analysis for the net cumulative result of all project modifications after January 1, 2022, including this project. Overall, potential cumulative impacts would be less than significant.
- c. Mitigation measures and conditions of approval have been incorporated to reduce potential impacts to cultural and tribal cultural resources to a less than significant impact. All other impacts identified in this mitigated negative declaration are less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human being either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None are required.

**Ladera Vineyards Winery Use Permit Minor Modification No. P21-00294-MOD
Mitigation Monitoring and Reporting Program**

| Potential Environmental Impact | Adopted Mitigation Measure | Monitoring and Reporting Actions and Schedule | Implementation | Monitoring | Reporting & Date of Compliance/ Completion |
|---|--|---|----------------|------------|--|
| <p>Tribal Cultural Resources Due to the possibility of unearthing tribal cultural resources which include, but is not limited to, Native American human remains, funerary objects, items or artifacts, sites, features, places, landscapes, or objects with cultural values to the Middletown Rancharia or Mishewal Wappo ("Tribe"), during ground disturbance activities, the following mitigation measures shall be incorporated into the Project for preservation or mitigation of significant impacts to tribal cultural resources. The use of the word "Tribe" in the mitigation measures refers to both Middletown Rancharia and Mishewal Wappo</p> | | | | | |
| <p>Impact TCR-1</p> | <p>MM TCR-1: The Project applicant must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care, and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.</p> | <p>Prior to initial ground disturbance, the applicant shall submit documentation to the Planning Division that the Tribe has been contacted.</p> | <p>P</p> | <p>PD</p> | <p>PC ___/___/___</p> |
| <p>Impact TCR-2</p> | <p>MM TCR-2: Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources.</p> | <p>Prior to initial ground disturbance, the applicant shall submit documentation to the Planning Division that a Tribal Cultural Advisor has been designated for the project and provide the Advisor's contact information.</p> | <p>P</p> | <p>PD</p> | <p>PC ___/___/___</p> |

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, DP = During Project, C = Completion

| Potential Environmental Impact | Adopted Mitigation Measure | Monitoring and Reporting Actions and Schedule | Implementation | Monitoring | Reporting & Date of Compliance/Completion |
|--------------------------------|--|--|----------------|------------|---|
| Impact TCR-3 | MM TCR-3: All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training. | Prior to initial ground disturbance, the applicant shall submit documentation to the Planning Division that training with a Tribal Cultural Advisor has been completed. | P | PD | PC _/_/___ |
| Impact TCR-4 | MM TCR-4: Ground disturbing activities occurring in conjunction with the Project including surveys, testing, concrete pilings, debris removal, re-scrapes, punch lists, erosion control, mulching, waddles, hydroseeding, etc., pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries. | During ground disturbing activities the project area shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Any changes to the full-time monitoring requirement from the Advisor shall be documented and provided to the Planning Division in writing. | P | PD | DP _/_/___ |
| Impact TCR-5 | MM TCR-5: The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and | During ground disturbing activities the project area shall be monitored on a full-time basis by qualified tribal | P | PD | C _/_/___ |

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, DP = During Project, C = Completion

| Potential Environmental Impact | Adopted Mitigation Measure | Monitoring and Reporting Actions and Schedule | Implementation | Monitoring | Reporting & Date of Compliance/Completion |
|--------------------------------|--|---|----------------|------------|---|
| | <p>appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.</p> | <p>monitor(s) approved by the Tribe, unless modified by the Advisor as noted in TCR-4.</p> <p>The completion of ground disturbing activities shall be documented and provided to the Planning Division. Documentation shall include a statement from the Tribal Cultural Advisor.</p> | | | |

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, DP = During Project, C = Completion