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Initial Study/  
Mitigated Negative Declaration

COUNTY OF NAPA  
PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT  
1195 THIRD ST., SUITE 210, NAPA, CA 94559  
(707) 253-4416

**Initial Study Checklist**  
(form updated October 2016)

1. **Project Title:** Beautiful Day Winery (Use Permit Application P15-00202 –UP)
2. **Property Owner:** Beautiful Day, LLC
3. **County Contact Person, Phone Number and Email Address:** Jason Hade, (707) 259-8757, jason.hade@countyofnapa.org
4. **Project Location and Assessor's Parcel No. (APN):** 4500 St. Helena Highway North (nearest cross street Diamond Mountain), in unincorporated Napa County approximately 975 ft. southeast of the city limits of the City of Calistoga, APN 020-180-037
5. **Project Proponent's Name and Address:** Remi Cohen, 1473 Yountville Cross Road, Yountville, California 94599
6. **Project Proponent's Representative:** George Monteverdi, Monteverdi Consulting, P.O. Box 6079, Napa California 94581
7. **General Plan Land Use Designation:** (AR) Agricultural Resource Designation
8. **Zoning:** AP (Agricultural Preserve) District
9. **Background:** The proposed project is a request for a use permit to allow a new wine production facility with visitation and marketing plan on a 28.8-acre property located at 4500 St. Helena Highway North. The site presently contains approximately 17.2 acres of vineyards, a 20 acre-feet (AF) off-stream irrigation reservoir, and a single family residence. Historic aerial photographs of the property indicate that the site has been planted in vineyards since at least 1993.
10. **Description of Project:** Approval of a Use Permit in order to construct and operate a winery which would include: 1) Annual wine production capacity of up to 30,000 gallons; 2) a 17,972 square foot production facility, a 3,271 square foot hospitality building, and a 3,228 square foot covered crush pad; 3) Tastings and tours by appointment only for a maximum of 40 visitors per day Monday through Thursday and 75 visitors per day Friday through Sunday for a maximum weekly total of 385 visitors; 4) Host 25 marketing events per year for up to 40 guests, and 3 marketing events per year for up to 100 guests with catered food; 5) Employ up to 10 full time employees; 6) On-premise consumption of wine purchased on the property, consistent with Business & Professions Code Sections 23358, 23390 and 23396.5, inside of the proposed winery building and on the adjoining outdoor visitations areas; 7) Install left turn lane on State Route 29 at the project entrance; 8) Extend and widen the site access driveway to a 20-foot width; 9) Install parking for 13 vehicles; 10) Install a new subsurface drip irrigation wastewater treatment system for process waste and standard septic system for domestic waste; and 11) Install up an 80,000 gallon fire suppression water tank. The project applicant has indicated that wine bottling would occur either on-site, using a mobile bottling truck parked under cover of the proposed work area, or at an off-site bottling facility.
11. **Environmental setting and surrounding land uses:** The property is not located within any Alquist-Priolo Earthquake Fault Zone designated by the California Department of Conservation, Division of Mines and Geology. The property is generally flat, with grades across the property not exceeding five percent, and it is underlain with Bale loam soil. A riparian corridor containing Kortum Canyon Creek runs along the eastern border of the site. The corridor features natural vegetation and a well-developed tree canopy. In the vicinity of the proposed winery is a 1.96 acre grove of California Valley Oak Woodlands. As explained above, the 28.8 acre property is currently developed with a single-family residence, 20 AF off-stream reservoir, vineyards. The project site is zoned AP (Agricultural Preserve) and has a General Plan land use designation of Agricultural Resource.

Land uses on properties in the immediate and general vicinity of the site are also primarily agricultural and includes residential, as described below. The nearest off-site residence to the proposed winery is approximately 700 feet southeast of the shared property line of the subject property and 1,250 ft. from the proposed winery.

North: Adjoining the project property to the north is a 62.56 acre property located on the Napa Valley floor which is predominately planted in vineyards. Straddling the shared property line is a channelized drainage feature which does not meet the County's definition of a stream but it may qualify as Waters of the United States.

South: Adjoining the subject property to the south is St. Helena Highway (State Route 29 / 128). Beyond the Highway is 17.17 acre predominately vineyard property that contains a single family residence and several agricultural accessory buildings.

West: To the west of the project site is St. Helena Highway (State Route 29 / 128), and beyond are several heavily vegetated hillside rural residential properties containing single family homes with properties ranging in size from 6 to 10 acres.

East: A 63.11 acre vineyard property is located east of the project property. It contains a small single family home approximately 700 ft. east of the shared property line. Straddling the boundary between the project property and this property is a riparian corridor containing Kortum Canyon Creek, which is a 'blue-line' stream subject to Napa County Conservation Regulations and qualifies as Waters of the United States.

12. **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 grading permits and waste disposal permits. Permit revisions may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco & Firearms.

**Responsible (R) and Trustee (T) Agencies**

Caltrans (R)  
State Department of Fish and Wildlife (T)

**Other Agencies Contacted**

Taxation Trade Bureau  
California Department of Alcoholic Beverage Control

13. **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, has consultation begun?

**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 21083.3.2.) 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.

On October 24, 2016, 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. On December 12, 2016, a letter dated November 18, 2016 was received from representatives of the Yocha Dehe Wintun Nation declining any comments on the project. A letter dated December 7, 2016 was received from the Middletown Rancheria on January 31, 2017 also declining comment. No comments were received from the other Native American tribe traditionally and culturally affiliated with the project area during the 30-day consultation request period or afterward.

#### 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.

  
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Jason R. Hade, AICP, Planner III  
Napa County Planning, Building & Environmental Services Department

  
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Date

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. **AESTHETICS.** Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The proposed project, if approved, would not have a substantial adverse effect on a scenic vista nor substantially damage scenic resources or the existing visual character of the site and its surroundings.

a/b/c. The subject property and project site are essentially level (slopes of 1% or less), without significant scenic resources such as rock outcroppings or scenic vistas. Adjacent to the proposed winery is a 1.96 acre oak woodland, and the project has been designed to avoid this feature. Kortum Canyon Creek riparian corridor is located on the eastern boundary of the property but would not be altered by the proposed project. The proposed winery complies with the County's 600 foot setback for wineries from highways and major roads. Therefore, the project has a less than significant change to scenic vistas.

- d. Hours of operation of the winery are proposed to be 10:00 a.m. to 5:30 p.m. (excluding harvest season), so that late, nighttime lighting (after 5:30 p.m.) would not occur for most months of the year. The marketing plan involves 28 annual events which will occur between 11 a.m. and 10 p.m. There are no off-site sensitive receptors to light and glare, such as residences, located in close proximity to the winery, and thus the project does not have a significant potential to result in lighting impacts. The proposed winery use, if approved, would be subject to the County's standard condition of approval for wineries that limits the amount of outdoor lighting to the minimum necessary for operational and security needs. Up-lighting of buildings and landscaping is prohibited. The winery operators must keep lighting as low to the ground as possible and include shields to deflect the light downward. Avoidance of highly reflective surfaces would be required, as well, by the standard County condition. This condition would apply to all winery activities (excluding harvest), including any events that would occur outdoors:

*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.*

*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 spot lighting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.*

*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 required.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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II. **AGRICULTURE AND FOREST RESOURCES.**<sup>1</sup> Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

Discussion:

- a/e The 2012 California Department of Conservation map designated the existing vineyards on the property as Prime Farmland, with the reservoir designated 'Other'. Construction of the proposed winery would occur on property designated as Prime Farmland and would result in removal of approximately 1.6 acres of vineyards. Consistent with the General Plan definition of "agriculture" (Policy AG/LU-2), processing of agricultural products (in this case, grapes into wine) and related, accessory uses (such as sales and marketing of agricultural products) are agricultural uses of land. Conversion of planted vineyards to agricultural processing facility is a less than significant impact on designated farmlands.
- b. The County's zoning of the property is AP (Agricultural Preserve) District, and the General Plan land use designation is Agricultural Resource. The proposed winery is consistent with the property's zoning, as Napa County Code Section 18.20.030 lists wineries and related, accessory uses as conditionally permitted in the AP District. General Plan Policy AG/LU-21 also identifies processing of agricultural products (grape crushing/winemaking) as a use that is consistent with the Agricultural Resource designation. There is no Williamson Act contract applicable to this property.
- c/d. As previously noted, the site has been in agricultural use for several decades and is currently planted with approximately 17.2 acres of vineyards. There is a remnant 2-acre oak woodland on the northern portion of the property that would not be significantly altered as a result of the project. The project is located adjacent to the oak woodland.

Mitigation Measures: None required.

<sup>1</sup> "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.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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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:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

a-c. 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 the District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on the Air District's website and included in the Air District's updated CEQA Guidelines (updated May 2012).

On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the Thresholds. The court did not determine whether the Thresholds were valid on the merits, but found that the adoption of the Thresholds was a project under CEQA. The court issued a writ of mandate ordering the District to set aside the Thresholds and cease dissemination of them until the Air District had complied with CEQA. The Air District has appealed the Alameda County Superior Court's decision. The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending there.

In view of the trial court's order which remains in place pending final resolution of the case, the Air District is no longer recommending that the Thresholds be used as a generally applicable measure of a project's significant air quality impacts. Lead agencies will need to determine appropriate air quality thresholds of significance based on substantial evidence in the record. Although lead agencies may rely on the Air District's updated CEQA Guidelines (updated May 2012) for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures, the Air District has been ordered to set aside the Thresholds and is no longer recommending that these Thresholds be used as a general measure of project's significant air quality impacts. Lead agencies may continue to rely on the Air District's 1999 Thresholds of Significance and they may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project.

Over the long term, emissions resulting from the proposed project would consist primarily of mobile sources, including production-related deliveries and visitor and employee vehicles traveling to and from the winery. The Air District's 1999 CEQA Guidelines (p.24) states that projects that do not exceed a threshold of 2,000 vehicle trips per day will not impact air quality and do not require further study. The winery Traffic Impact Report prepared for the project calculates the proposed conditions for a typical weekday at approximately 62 total daily trips and 8 peak hour trips. Proposed conditions for a typical Saturday are calculated at 84 total trips and 11 PM peak trips.

Vehicle trips generated are significantly below BAAQMD's recommended threshold of 2,000 vehicle trips/day for purposes of performing a detailed air quality analysis. Given the number of vehicle trips generated by this project, compared to the size of the air basin, project related vehicle trips would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. The proposed project would not result in a cumulatively considerable net increase in any criteria pollutant for which the project region

is in non-attainment under an applicable federal or state ambient air quality standard.

- d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adhere 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:

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

1. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
5. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
6. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
7. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.*
8. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.*

Furthermore, while earthmoving and construction on the site will 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:

*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.*

- e. While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The closest residence is approximately 700 feet from the southwestern corner of the proposed winery building. 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 required.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. **BIOLOGICAL RESOURCES.** Would the project:

- 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 U.S. Fish and Wildlife Service?

☐☒☐☐



- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?               | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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. The project, as currently proposed, was redesigned to avoid significant incursion into the 2 acre valley oak woodland community located on the northern portion of the site. The original project design from 2015 would have resulted in the removal of 18 of the 36 trees in the woodland community, and placed an additional 6 at high risk and 6 at moderate risk to future loss due to construction disturbance. With the revised project, all 36 existing trees would be preserved except that 1 tree (tree #40 – a 44 inch diameter valley oak) would remain at high risk due to its proximity to the visitor parking lot and bio retention. As a result of the redesign, the project no longer has a significant potential to impact the oak woodland community. The applicant has agreed to implement avoidance measure recommended by the project's qualified arborist to protect the one tree at high risk for loss which would increase survival potential. However, in the event the avoidance measures fail, the loss of one of the 36 trees on the perimeter of the oak woodland community is considered a less than significant impact to the woodland community.

According to the Biological Resource Assessment prepared for the project (*Biological Resource Assessment with Botanical & Bat Habitat Surveys, Woodland Assessment, and Delineation of Waters of the U.S. for Beautiful Day Winery LLC*, prepared by Northwest Biosurvey, June 26, 2015, attached and incorporated herein), the trees of the oak woodland community are potential nesting/roosting habitat for migratory birds and pallid bat although no listed species were observed when the project biologist was present on site. With the original project design (and substantial tree removal), the project biologist recommended mitigation be employed to avoid potential impacts to migratory birds. Pallid bat mitigation was not warranted due to the low likelihood of the species establishing residency.

With project redesign to avoid the oak woodland community, the project's potential to impact the trees has been reduced to a less than significant level, and consequently, potential impacts to listed migratory birds has also been reduced. However, the project biologist did not conduct a subsequent evaluation on the revised project for its potential to impact migratory birds, and given that the redesigned project is immediately adjacent to the oak woodland community and one tree (tree #40) remains at high risk to loss, implementation of the biologist's recommended pre-construction survey mitigation measure is warranted to ensure no significant impacts to listed migratory bird species occur. Although no trees are planned for removal, construction activities have some potential for disturbance of listed bird and bat species should nesting occur concurrent with the development. The mitigation measure listed below requires a pre-construction survey to determine if listed species are present prior to construction and between February 15<sup>th</sup> and August 31<sup>st</sup>, and if they are present, then construction shall be delayed until fledging of young is complete as determined by the qualified biologist.

The biological assessment and recommended mitigations also note that tree #49 is used as an acorn storage tree for the California acorn woodpecker, a protected species under the Migratory Bird Treaty Act of 1918. All woodpecker species are protected by the U.S. Fish and Wildlife Service as migratory insectivorous birds, and are classified as non-game species by the State. This tree is located close to the center of the oak woodland community and is now well outside of the area of disturbance for the redesigned winery, but the biological assessment notes that if the tree needs to be removed for safety purposes, then removal shall occur in late winter just prior to the beginning of the next nesting season (February 15<sup>th</sup>) to allow maximum use of the season's food storage, or removal can occur in mid-May if the fledging of nesting young is complete as determined by the qualified biologist.

Regarding pallid bat, the biological assessment indicates that three trees currently contain potential habitat for pallid bat, but there is no indication that these trees are or have been used in the past by bats, and therefore the project biologist concludes that further survey is not warranted. That conclusion was based on the earlier version of the project which would have resulted in the loss of those trees. As a result of the revised project, those three trees, which are close to the center of the oak woodland community and now well outside the area of

disturbance, would not be impacted by the project further supporting the conclusion that additional survey is unwarranted.

- c/d. The property is generally flat, having a slope of less than five percent. County geographic information system (GIS) data indicate no wetlands on the parcel, however water features subject to jurisdiction by the Army Corps of Engineers and/or State Department of Fish and Wildlife lie on the northern, eastern and southern perimeter of the property. The southern property line runs along the centerline of Kortum Creek, and the western and northern boundaries feature a drainage ditch which the project biologist has determined qualifies as Waters of the United States. The proposed winery project, and all associated support site improvements are located approximately 300 feet from these wetland features. Therefore, 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. As stated by the project biologist, "these waters are outside of the project boundaries and should not be impacted" (*Biological Resource Assessment with Botanical & Bat Habitat Surveys, Woodland Assessment, and Delineation of Waters of the U.S. for Beautiful Day Winery LLC*, prepared by Northwest Biosurvey, June 26, 2015, attached and incorporated herein). Site improvements have been designed to both County and State standards for control of stormwater both during construction and post-construction. As a result, the project does not have the potential to significantly affect wetlands as defined by Section 404 of the Clean Water Act. Impacts would be less than significant.
- e. The oak woodland community located adjacent to the revised winery project is subject to the County's Voluntary Oak Woodland Management Plan. The purpose of the Voluntary Oak Woodlands Management Plan is to provide a conservation framework for the preservation of the County's oak woodland resources. The Plan provides a summary of the location, condition and value of Napa County's oak woodlands; identifies potential threats; outlines conservation strategies and best management practices. The proposed project, as revised, complies with this management plan, and although one of the trees within the oak woodland remains at high risk for loss, the project includes measures designed to preserve that tree. Therefore, the project is considered to have a less-than-significant potential to conflict with the locally adopted conservation policies.
- f. There is no habitat conservation plan (HCP) or natural community conservation plan (NCCP) that has been adopted or is being implemented in unincorporated Napa County.

Mitigation Measures:

**Mitigation Measure IV.1** – In the event that construction occurs between February 15 and August 31, the work shall be preceded by a survey by a qualified biologist for nesting migratory birds. In the event that nesting birds meeting this criterion are found, construction shall be delayed until fledging is complete as determined by a qualified biologist or until after August 31. This pre-construction survey shall be subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.

**Monitoring:** If construction activity is to occur from February 15 to August 31, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

**Mitigation Measure IV.2** – Based on the arborist's report for this project the California acorn woodpecker storage tree (tree #49) is in unsafe condition and would pose a threat to the public and structures. In the event that this tree must be removed for safety or other reasons, removal shall occur in the late winter just prior to the beginning of the nesting season (February 15) to allow maximum use of the season's food storage. Removal may otherwise be authorized after mid-May if removal work is preceded by the pre-construction protocols stipulated in Mitigation Measure IV.1 subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.

**Monitoring:** If construction activity is to occur after mid-May, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a-d. There are no historic structures or other architectural resources on the property that would be affected by the construction and operation of the proposed winery although there is an existing (modern) residence and accessory structure in close proximity to the proposed project.

An Archaeological reconnaissance was prepared for the property by Flaherty's Cultural Resource Services (FCRS), which is attached and incorporated herein (*Cultural Resource Reconnaissance of 28.16+/- Acres near Calistoga, Napa County, California*, by Jay M. Flaherty, April 21, 2015). The report identifies that one cultural resource area was discovered outside of the proposed project area that consisted of sparse obsidian lithic scatter. This cultural resource was reported to the State's CHRIS list, but further disclosure of the exact location of the site in this document is prohibited by State law. The report notes that should construction be proposed within the oak woodland community area, as originally proposed, then further study of the area is recommended prior to earth disturbing activities in order to determine if any eligible resources are present. The initial reconnaissance was inconclusive in this area due to the existence of modern features on the ground surface associated with the existing single family residence. However, with the project redesign shifting the winery from the native oak woodland community out into the existing vineyard, the revised project is now located outside of the potentially sensitive area identified by the project's archaeologist and outside of the area recommended for subsequent evaluation. As a result, the project's potential to effect archaeological resources is considered less-than-significant and no mitigation measures are necessary. However, if any resources are found during any earth disturbing activities associated with the proposed project, construction of the project is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with the County's standard condition of approval, which reads as follows:

*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.*

Mitigation Measures: None required.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS. Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Expose people or structures to 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 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"/> |

**Discussion:**

a-c. The property is not located within any Alquist-Priolo Earthquake Fault Zone designated by the State Department of Conservation, Division of Mines and Geology. Although no fault zone underlies the property, the site is generally located within a region of active fault zones, including those of the West Napa, Concord, Great Valley, North Hayward, Hunting Creek-Berryessa, Mayacama and San Andreas faults. Movement along any of these faults is anticipated to result in intensities of VII and VIII on the Modified Mercalli Scale at the project site; these "very strong" to "severe" intensities would be felt by most people and are likely to result in some damage to well-built structures. Due to the requirement for new structures to comply with the seismic standards of the California Building Code and Occupational Health and Safety Administration regulations (i.e., bracing of barrel storage racks), damage to any newly-built structures on the property is anticipated to be minor and would not expose people to substantial hazards related to ground shaking during an earthquake. Some structural damage to the existing residence to remain could also occur, though it is noted that the property owner reports that the residence experienced no such significant damage during the recent 2014 West Napa earthquake.

The property is generally flat, with slopes of under five percent. Given that the site is predominantly flat, underlain with a mixture of course sand, silt and fine clay soils (Bale loam) and located on the valley floor, soil movement and erosion potential is anticipated to be low (by contrast, higher erosion potential is anticipated in areas of steep slopes or more moderate slopes with loose, sandy soils). The property also has a "very low" landslide potential, as identified on landslide risk maps produced by the California Department of Conservation and Association of Bay Area Governments. Regional maps of liquefaction risk indicate that the property is within an area of low to moderate liquefaction potential; the highest liquefaction potential on the property occurs in the vicinity of the Kortum Creek banks on the southern end of the property several hundred feet from the proposed project. The permittee would be required to comply with all recommendations stated in the geotechnical report.

d/e. The Bale loam that underlays the proposed development portion of the site generally has a low erosion potential, moderate shrink-swell potential and severe limitations in use for septic system absorption fields; these soil limitations, however, can be overcome with proper design, such as reinforced building foundations and expansion of the septic system leachfield.

The proposed project plans indicate that winery process waste will be pre-treated and dispersed as irrigation to the vineyard. A standard leachfield system with septic lines will be installed immediately west of the proposed winery for domestic waste. The proposed sanitary wastewater treatment system has been accordingly designed to be consistent with Napa County standards that recognize the relatively slower percolation rate of Bale loam soils and thus require appropriately-sized dispersal areas for pre-treated effluent.

Any expansive soils on-site could also pose the potential for cracks in or damage to the foundation of the proposed building, as a result of shrinking and swelling of the soil from moisture absorption and evaporation. As with the septic system, building foundations can be designed in such a manner as to minimize potential for building damage from expansive soils; such designs could include elevation of the building foundation or utilization of a reinforced slab on grade concrete foundation. If the use permit is approved, and concurrently with issuance of an application for a building permit to construct the new winery building, the permittee would be required to submit a geotechnical report with recommendations for design of the building foundation that minimizes the potential for such damage from the expansive nature of the underlying soil.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. GREENHOUSE GAS (GHG) EMISSIONS.</b> Would the project:				
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:**

GHGs are the atmospheric gases, including carbon dioxide, methane, nitrogen dioxide, and synthetic fluorinated gases, whose absorption of solar radiation is responsible for global warming and that contribute to climate change, a widely accepted theory/science explaining human effects on the atmosphere. Carbon dioxide (CO<sub>2</sub>) is the principal GHG being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity. Commercial and industrial sources of GHG include space conditioning and other metal and chemical production processes. Agricultural sources of carbon emissions include forest clearing, land use changes, and burning of fossil fuels related to goods movement and gas and diesel-powered vehicles and farm equipment (<https://www3.epa.gov/climatechange/science/causes.html>). CO<sub>2</sub> also serves as the reference gas to which to compare other greenhouse gases. The effect that each unit of the other GHGs (methane, nitrogen dioxide and synthetic fluorinated gases) has on causing the global warming effect is exponentially greater than the impact of a unit of CO<sub>2</sub>, to the degrees of tens to tens of thousands of times. Thus, GHG emissions are measured in "carbon dioxide equivalents." Carbon dioxide equivalents (CO<sub>2</sub>e) is a unit of measurement of GHG emissions that uses carbon dioxide as a common denominator, and it is a way to get one number that approximates total emissions from all the different gases that contribute to GHG emissions (BAAQMD CEQA Air Quality Guidelines, May 2012). CO<sub>2</sub>e are measured in units of metric tons, equal to approximately 2,204 pounds.

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential GHG emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan's objectives, the BOS requested that the CAP be revised to better address transportation-related GHG, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The Board also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted, in order to ensure that projects address the County's goal related to reducing GHG emissions.

In July 2015, the County re-commenced preparation of the CAP to: 1) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources); 2) address the concerns with the previous CAP effort as outlined above; 3) meet applicable State requirements; and 4) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum No. 1: *2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016*. This initial phase included updating the unincorporated County's community-wide GHG emissions inventory to 2014 and preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizon years. Table 1 of the Technical Memorandum indicates that two percent of the County's GHG emissions in 2014 were a result of land use change.

Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at <http://www.countyofnapa.org/CAP/>.

- a/b. Overall increases in GHG emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified by the Napa County Board of Supervisors in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these 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.

As discussed in the Air Quality section of this Initial Study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions. The BAAQMD's threshold of significance for proposed projects' potential GHG emissions was set at 1,100

metric tons of CO<sub>2</sub>e (MTCO<sub>2</sub>e) per year. Though the BAAQMD cannot endorse the use of the 1,100 MTCO<sub>2</sub>e threshold due to a court decision, agencies may choose to use the threshold as best available information; thus, the 1,100 MTCO<sub>2</sub>e threshold is appropriate for evaluating projects in 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). (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.)

For the purposes of this analysis, potential GHG emissions associated with winery “construction” and with “ongoing” winery operations are discussed. One-time construction emissions associated with the winery development project include emissions associated with the energy used to develop and prepare the project area and construct the winery, including construction equipment and worker vehicle trips (hereinafter referred to as “equipment emissions”). These emissions also include underground carbon stocks (or soil carbon) associated with existing vegetation that is proposed to be removed. In addition to the one-time construction emissions, operational emissions of the winery are also considered and 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). See Section XVI, Transportation/Traffic, for anticipated number of operational trips. Operational emissions from the proposed winery would be the primary source of emissions over the long-term when compared to one-time construction emissions.

The proposed project consists of construction and operation of a new winery on a portion of a site, the majority of which is currently developed with a vineyard, and includes a single family home with accessory structures. Using comparable land use categories as described in the Air Quality discussion, a project with 9,000 square feet of hospitality area or 121,000 square feet of barrel storage/production area would potentially generate more than 1,100 MTCO<sub>2</sub>e annually and would be considered to have a potentially significant impact on the environment; the proposed winery is smaller than those screening criteria. More specifically, given the size of the proposed winery's hospitality spaces (approximately 3,271 square feet compared to the BAAQMD's screening criterion of 9,000 square feet) and production/barrel storage and ancillary use areas (approximately 17,972 square feet compared to the BAAQMD's screening criterion of 121,000 square feet), the proposed winery and its associated trips would not contribute a significant amount of air pollution to the region and thus would not have a significant air quality impact.

The applicant intends to install water-efficient fixtures and water tolerant landscaping, recycle winery process waste for vineyard irrigation, use energy efficient lighting, and implement several other voluntary GHG reduction business practices which in combination would serve to reduce the winery's energy demands related to space conditioning and groundwater extraction, as well as increasing its capability to generate energy on-site from a renewable resource. These efforts would also have the effect of reducing the proposed winery's operational GHG emissions resulting from fossil fuels burned to create electricity to serve the winery over the long-term.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project				
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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, 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 for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Discussion:**

- a/b. The proposed project would involve the use and transport of hazardous materials typically used in agricultural maintenance and winemaking operations. The project proponent/winery operator would be required to file a Hazardous Materials Business Plan with the Environmental Health Division should the amount of hazardous materials reach reportable levels. During construction of the project, some hazardous materials (such as building coatings and adhesives would be utilized); however, given that use of these types of substances on the property would be limited to the nine- to 10-month duration of construction, they would not create significant environmental impact.
- c. The proposed winery would not affect schools within one-quarter mile. The schools closest to the winery site are Calistoga Elementary and High Schools, which is over a mile northwest of the subject property.
- d. The property is on the California Environmental Protection Agency's list of hazardous sites (Government Code Section 65962.5), but is listed as a closed site. In 1993, there was a minor diesel fuel spill at the pump house adjacent to the reservoir resulting from a one-time accident. The spill was remediated and the site was closed in 1993, and is therefore not considered to have any potential significant environmental effect.
- e/f. The winery would not cause an unsafe condition within two miles of an airport or airstrip, as the winery site is not within two miles of any public or private airport or airstrip. Angwin Airport, the closest airport to the site, is over 5 miles southeast of the site, and the subject property is outside of the boundaries of the land use compatibility plan for that airport. There are no permitted private landing facilities in the vicinity of the property.
- g. 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 requested winery use permit would not result in permanent closure or obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by proposed winery use permit.
- h. With the exception of the native oak woodland community, the property is substantially landscaped with vineyards and surrounded by other properties planted with vineyards, and thus is not considered high risk for damage from wildland fires. All four sides of the proposed winery structure would be bounded by asphaltic concrete access drives and parking.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<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, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or 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"/>            |
| e) 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"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| j) Expose people or structures to significant risk of loss or injury as a result of inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

#### Discussion:

a/e/f. The proposed project improvements have been designed in accordance with the County-applicable, Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. The guidance in this manual is intended to ensure that stormwater runoff generated from a development is treated prior to entering a storm drain system, and that the quantity of post-construction stormwater runoff does not exceed the quantity of runoff generated by the pre-construction condition of a site.

As designed, the stormwater treatment system includes basins for infiltration of rainfall and stormwater runoff into the soil within the respective subarea designed to meet local and State stormwater treatment standards. Stormwater would be temporarily held in each basin in order to allow the water to percolate back into the soil, where pollutants would be naturally filtered out through landscaping and layers of engineered soil that is specially designed for stormwater treatment. Thus, the proposed system is designed to manage both the quantity and quality of stormwater runoff. The basins would be underlain with perforated pipe that would collect the filtered runoff and convey it through the on-site drainage system to a rock outfall, from which water would ultimately release overland, consistent with pre-construction conditions.

Other permanent control measures have also been proposed by the applicant and are also intended to reduce the potential for pollutants to enter the storm drain system. Such permanent control measures include appropriate plant selection and other structural pest management measures; labeling of storm drain inlets to advise against dumping; plumbing of non-storm discharges such as fire sprinkler test water and untreated process wastewater to the sanitary wastewater treatment system; and paving and covering of refuse storage and crush pad areas. If the proposed project is approved, prior to issuance of a Final Certificate of Occupancy for the winery building, the property owner would be required to execute an agreement ensuring that the owner and subsequent property owners would maintain the on-site stormwater system and stormwater quality measures in perpetuity.

In addition to stormwater runoff, wastewater potentially generated from the winery operation would include sanitary wastewater and process wastewater generated from the winemaking process. Wastewater is proposed to be treated on-site through a series of septic holding and treatment tanks, and once treated, would be discharged back onto the vineyard as irrigation water.

The project applicant has indicated that bottling of product would occur either on-site, using a mobile bottling truck parked under cover of the proposed work area, or at an off-site bottling facility. Use of mobile bottling services can pose a potential for stormwater contamination from product spillage during the wine bottling process; however, as described, bottling would occur under the roof of the work area. This work area would incorporate a drain inlet for process wastewater that would be plumbed via underground pipelines to a process wastewater tank. This design allows for separation of stormwater from process wastewater, significantly reducing the potential for process wastewater to contaminate



stormwater.

- b. On January 14, 2014, Governor Jerry Brown declared a drought emergency in the state of California. The declaration stopped short of imposing mandatory conservation measures statewide. Mandatory water restrictions are being left to individual jurisdictions. On April 1, 2015, Governor Brown issued Executive Order B-29-15 imposing restrictions to achieve a statewide 25 percent reduction in potable urban water usage through February 28, 2016. However, such restrictions were not placed on private well users in rural areas. At this time, Napa County has not adopted or implemented mandatory water use restrictions. The County requires all use permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for their proposed projects.

To better understand groundwater resources, on June 28, 2011, the Napa County Board of Supervisors approved creation of a Groundwater Resources Advisory Committee (GRAC). The GRAC's purpose was to assist County staff and technical consultants with recommendations regarding groundwater, including data collection, monitoring, well pump test protocols, management objectives, and community support. The County retained Luhdorff and Scalmanini Consulting Engineers (LSCE), who completed a County-wide assessment of groundwater resources (Napa County Groundwater Conditions and Groundwater Monitoring Recommendations Report, February 2011); developed a groundwater monitoring program (Napa County Groundwater Monitoring Plan 2013, January 2013) and also completed a 2013 Updated Hydrogeologic Conceptualization and Characterization of Groundwater Conditions (January 2013).

Groundwater Sustainability Objectives were recommended by the GRAC and adopted by the Board of Supervisors. These objectives acknowledged the important role of monitoring as a means to achieving groundwater sustainability and the principles underlying the sustainability objectives. In 2009, Napa County began a comprehensive study of its groundwater resources to meet identified action items in the County's 2008 General Plan update. The study, conducted by LSCE, emphasized developing a sound understanding of groundwater conditions and implementing an expanded groundwater monitoring and data management program as a foundation for integrated water resources planning and dissemination of water resources information. The 2011 baseline study by LSCE, which included over 600 wells and data going back over 50 years, concluded that the groundwater levels in Napa County are stable, except for portions of the MST (Milliken Sarco Tulocay) district. Most wells elsewhere within the Napa Valley Floor with a sufficient record indicate that groundwater levels are more affected by climatic conditions, are within historical levels, and seem to recover from dry periods during subsequent wet or normal periods. The LSCE study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals) and in the Carneros region (mostly salinity). LSCE prepared the 2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015.

Thresholds for water use have been established by the Napa County Department of Public Works, using reports by the United States Geological Survey (USGS), the GRAC recommendations, and the LSCE reports. These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District and LSCE. The County has concluded that the annual one acre-foot of water per parcel acre criteria on the Valley Floor has proven to be both scientifically and operationally adequate.

The existing 20 AF off-stream irrigation reservoir would remain and continue to be utilized for vineyard irrigation.

The proposed addition of wine production to the property would increase groundwater use on the site by 1.27 AF/year. Presently, the existing vineyard, residence, and landscaping are estimated to require 8.18 AF/year. With the addition of the winery, estimated overall groundwater use would increase to 9.45 AF/year. Wine production process water accounts for 0.64 AF of the increase, with new winery landscaping accounting for 0.50 AF of the increase. Winery domestic water use for employees, visitors and marketing events is estimated to require 0.17 AF/year.

The project site is located on the Valley Floor and qualifies for application of the annual one acre-foot of water per parcel acre criterion. The general vicinity southeast of Calistoga has no record of groundwater basin deficiency, and LSCE monitoring records conducted with the GRAC indicated that the Valley Floor criterion is supported at this location. The subject property has an overall size of 28.8 acres, and with groundwater use going from 8.18 AF/year to 9.45 AF/year, estimated groundwater use is well below the threshold. Therefore the project is considered not to have a potential to significantly impact groundwater resources.

- c/d. The property is generally flat, having a slope of less than five percent overall. An unnamed intermittent drainage runs along the northern and eastern boundary of the site, and Kortum Creek runs along the southern border. These water features are subject to State and Federal oversight under the Clean Water Act, and meet the County's definition of a "stream" under the Conservation Regulations identified in County Code Chapter 18.108.

All aspects of the proposed project will be located several hundred feet from these water features. The project will result in additions of impervious surfaces to the site would increase the volume of stormwater runoff as compared to the existing condition of the site. However, as described in the paragraphs above, the proposed project has been designed in accordance BASMAA standards that require no net increase in the quantity of runoff generated between the pre-construction and post-construction conditions of a development, and therefore the project does not have the potential to significant impact drainage patterns or existing water courses.

- g-i. The proposed winery buildings and related site improvements would be constructed within the 100-year as well as the 500-year floodplains. As such, the project has been designed to comply with County and Federal requirements for placement of structures and improvements within

floodplains. Most notably, site improvements are designed to accept flood waters and buildings are designed with a finished floor elevation located above base flood elevation. The project will not result in a potential flood hazard or impede flood flows because it has been designed to, and is required to comply with Federal Emergency Management Agency (FEMA) development standards specifically applicable to the site.

The property is outside of the projected flood areas in the event Kim Reservoir dams were to fail, which are located approximately 4 miles northwest of the site. Kim Reservoir is located on a tributary to the Napa River, and Napa County GIS maps indicate that failure of the dam would result in flooding within the nearby City of Calistoga but flood waters would be at an elevations approximately 25 vertical feet below the lowest point of the property, and therefore the subject property would not be inundated in the event of dam failure.

- j. The property is located well inland of the Pacific Ocean coast and the shores of the San Pablo Bay where risk of inundation by seiche or tsunami tends to occur; thus, the site is subject to minimal risk of damage or injury related to seiches or tsunamis. The site is also predominantly flat, with slopes of zero to five percent; therefore, the proposed project is not likely to subject persons or structures to risk of damage as a result of landslide or mudflow.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. The proposed project site is currently developed with vineyard and a residence with accessory structures. Surrounding land uses are also predominantly agricultural and rural residential and would not be physically modified (as by demolition of an existing structure or division of land), such that the vineyard and winery uses would integrate with the property's surroundings rather than divide an existing, established community.
- b. By continuing to foster use of the property for agricultural use, inclusive of agricultural product processing (winemaking from grapes), the proposed winery is consistent with the uses envisioned and as described in General Plan Goal AG/LU-1 and Policies AG/LU-1 and AG/LU-2. Napa County Code Section 18.16.030 also identifies wineries as conditionally permitted uses within the AP Zoning District where the site is located. Water demand generated by the proposed winery would be in line with General Plan goals supporting sustainable water use and prioritization of groundwater for agricultural purposes (Goal CON-10 and Con-11). More specifically, with construction of the winery will increase groundwater use by 1.27 AF/year resulting in total groundwater use for the property estimated at 9.45 AF/year, which is well below the established Valley Floor threshold of the property of 28.8 AF/year (see Hydrology and Water Quality section of this initial study).

The proposed winery would therefore be consistent with adopted policies and zoning regulations intended to preserve water quality and water resources, such as those contained in Napa County Code Chapter 18.108 and referenced in General Plan Policy CON-4, which prohibits new development within streams setbacks with the exception of new crossing to access property (also see section IV above) and aims to preserve watersheds in support of the County's agricultural goals.

- c. There is no HCP or NCCP that has been adopted or is being implemented in unincorporated Napa County.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES.</b> Would the project:				
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. There are no impacts anticipated to occur with respect to mineral resources as a result of the proposed construction of a winery on the subject site. As described in Chapter 2 of the Napa County Baseline Data Report (BDR; 2005), mineral resources mostly occur in the southern and northern areas of the County, generally at higher elevations than the valley floor where the subject site is located. BDR Figure 2.2 identifies no mineral mining resources on or in the vicinity of the proposed winery site.

The proposed use permit would continue the agricultural use of the site, adding a complementary agricultural product processing operation (winery), and would not result in permanent, full conversion of the agricultural property to urban development and land uses. Thus, the proposed project would have no impact on known mineral resources.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels 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) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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"/>
f) For a project within the vicinity of a private airstrip, 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/d. The proposed project would cause a temporary increase in noise levels as a result of construction of the winery building and site modifications. Construction of the buildings and site facilities would require excavation of soil for installation of paving and building foundations but would not require driving of piles or similar construction methods that would cause excessive ground vibration. Standard conditions of development in Napa County are intended to reduce to acceptable levels the potential impacts of construction-related noise on neighboring uses by requiring mufflers on construction equipment and prohibiting off-site project equipment staging between the hours of 5:00 p.m. and 8:00 a.m.:

*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.*

- c. The use permit application includes a request to offer 28 marketing events per year: 25 events per year with up to 40 guests, and 3 events per year with up to 100 guests each. Each event would occur for approximately four hours, with the earliest events starting at 11:00 a.m. and the latest events ending by 10:00 p.m. The applicant proposes to conduct events inside of the winery or on the patios located adjacent to the tasting room.

The proposed project involves a marketing program that has the potential to generate higher noise levels, compared to existing conditions, as a result of the proposed occurrence of marketing events outdoors and wine production and bottling in the covered and partially enclosed areas of the proposed winery building.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in Project Setting, above, land uses that surround the proposed parcel are predominantly agricultural (vineyard and winery) but include low density residential; of these land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.) within which the applicant proposes to conduct events. Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use).

The nearest off-site residence to the proposed winery is approximately 700 feet southeast of the shared property line of the subject property and 1,250 ft. from the proposed winery. (The on-site residence is the applicant's, and so it is not considered in the evaluation of potential noise impacts of the proposed project.) Under the proposed project, the largest outdoor event that would occur on the parcel would have an attendance of no more than 100 people, and all events would end by 10:00 p.m., with up to one hour after the end of the event for clean-up. Winery operations would occur between 6:00 a.m. and 6:00 p.m. (excluding harvest).

Noise sampling performed under County authority, as part of the analysis for the Bell Winery use permit modification (P13-00055), measured sound from an 85-person event using a meter placed 123 feet from the sound source (event). Measurements taken from that sound meter indicated that sound from the event exceeded 56 decibels 50 percent of the time. This studied event was roughly the equivalent to the largest, 100-person event proposed by the applicant, and so the noise level measured from the Bell Winery event is a good comparison for estimating the noise level from the largest marketing event of the proposed Beautiful Day Winery project. Thus, using the Bell Winery study as a model, and applying a six-decibel reduction per doubling of distance from the noise source, it is anticipated that exterior noise experienced at the nearest residence 1,250 feet to the proposed winery patio would not exceed the County Code standard of 50 decibels during 50 percent of daytime hours. Noise levels at the residence should be inaudible (below ambient noise levels) due to the distance and the existing home's close proximity to Highway 29.

Winery operations are proposed to occur between 6:00 a.m. and 6:00 p.m. (excluding harvest). Winemaking also has the potential to generate noise from grape crushing and bottling activities. Observations noted in the Bell Winery study did not suggest that grape crushing generated significant noise above ambient levels (which were documented in that study to be as low as 40 decibels). However, that study and other noise studies for other winery projects noted that mobile bottling activities could be a noticeable noise source, with noise levels referenced among the various studies suggesting that bottling trucks could generate 65 decibels for more than 30 minutes in an hour (measured at 50 feet from the noise source). Measured from the partially enclosed production area on the western end of the proposed winery building, the closest off-site residence is located approximately 1,250 feet southeast of the structure. As sound levels decrease by six decibels per doubling of distance, noise generated from mobile bottling activities occurring with the proposed winery would be fewer than 35 decibels 50 percent of the time at that residence which will be 20 dBA below the noise standard/threshold, without factoring ambient noise levels at the residence including proximity to Highway 29. Likewise, infrequent noise from vehicles entering/existing the site, visitors/employee conversations, car doors, etc. will not be audible off site due to the location of the facilities in relation to property lines and when factoring in ambient noise levels. Amplified music or sound systems would not be permitted for outdoor events as identified in standard Condition of Approval 4.10 listed below.

*There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.*

- e/f. The proposed winery site is not within two miles of any public or private airport or airstrip. Angwin Airport, the closest airport to the site, is over 5 miles southeast of the site, and the subject property is outside of the boundaries of the land use compatibility plan for that airport.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial 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 housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. Other than on-site access roads and wastewater facilities to serve exclusively the winery's operations, no new infrastructure is proposed that might induce growth by extending service outside of the property boundaries. The proposed project includes a modest number of winery employees (no greater 10 employees). The Association of Bay Area Governments' *Projections 2003* figures indicate that the total population of Napa County is projected to increase an estimated 23 percent by the year 2030 (*Napa County Baseline Data Report*, November 30, 2005). Additionally, the County's *Baseline Data Report* indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15 percent. The additional 10 employee positions that are part of this project could lead to some population growth in Napa County. However, relative to the County's projected low to moderate growth rate and overall adequate programmed housing supply, that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to assist the County in meeting local housing needs.
- b/c. The AP Zoning District of the parcel allows one single-family residence and a guest cottage per legal lot. The 28.8-acre parcel currently has a primary residence that will not be changed as a result of the project, consistent with the property's zoning. No additional residences or residential structures are proposed to be added to the site. Thus, no residents would be displaced and no residences would be lost as a result of the proposed use permit.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIV. PUBLIC SERVICES.</b> Would the project result in:				
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 listed below:				
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 type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project would have a less than significant impact on public services. The property and its existing residence are located within the service areas of both the Napa County Sheriff's Department as well as the Napa County Fire Department. Throughout the construction process, the proposed winery building and improvements, if approved, would be inspected by County building inspectors and fire officials in order to ensure the structures and vehicle access ways are built in accordance with current Building and Fire Codes. Proposed improvements include installation of a water storage tank to ensure adequate flows during response to a fire emergency.

If approved, the requested use permit would allow the construction, establishment and operation of a grape-processing facility (winery) on-site of an existing vineyard. School impact mitigation fees, which assist local school districts with capacity building measures, would be levied at building permit submittal. The proposed project would have little to no impact on public parks. The addition of a winery to the site does not include any new residential units nor accompanying introduction of new residents that would utilize existing parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine help meet the costs of providing public services to the property. No new parks or other public recreational amenities or institutions are proposed to be built with the requested use permit. Also see discussion under Section XV, below.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. RECREATION.</b> Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The proposed project would establish an agricultural product processing facility (winery) on an existing, 28.8-acre property that is currently developed with a vineyard and single-family residence with accessory structures. The proposed project includes no new residential units nor accompanying introduction of new residents who would utilize existing parks in the area and potentially accelerate those recreational facilities' deterioration. The proposal would increase the number of people on the property, consisting of winery employees and guests, some of whom might visit recreational facilities in the area outside of work or before or after visits. However, given that the purpose of those individuals' trips are related to 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. No new parks or other public recreational amenities are proposed to be built with the proposed winery.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with General Plan Policy CIR-23, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a/b. The project site is located on the east side of State Route (SR) 29 just north of the intersection of SR 29 and Diamond Mountain Road. There is currently a gated driveway along SR 29 serving the existing residence and vineyards that would be used for the proposed winery. SR 29-128 would provide visitor and employee access to the winery and has two paved 12-foot travel lanes and eight-foot wide paved shoulders adjacent to the project site. SR 29 is not controlled on its approach to the Diamond Mountain Road intersection approximately 500 feet south of the proposed project driveway. However, a left turn lane has been provided on the north bound approach to the Diamond Mountain Road intersection. Diamond Mountain Road is a two-lane rural collector County road extending westerly from its tee intersection with SR-29. It is stop sign controlled on its approach to the State highway.

Crane Transportation Group prepared a *Traffic Impact Report* on September 29, 2015. The study found that the proposed project would result in two inbound trips and no outbound trips during Friday AM peak hour (7:30 AM to 8:30 AM), no inbound trips and six outbound trips during the Friday PM peak hour (4:15 PM to 5:15 PM), and five inbound and six outbound trips during the Saturday PM peak hour (3:00 PM to 4:00 PM). The largest requested marketing events would have up to 100 attendees per event and occur three times a year. These events would typically be held in the evenings and on weekends would be anticipated to generate 36 two-way trips.

Cumulative operating conditions were determined by the calculating the project's percentage contribution to the total growth in traffic from existing conditions.

Traffic conditions on roads and at intersections are generally characterized by their "level of service" or LOS. LOS is a convenient way to express the ratio between volume and capacity on a given link or at a given intersection, and is expressed as a letter grade ranging from LOS A through LOS F. Each level of service is generally described as follows:

**LOS A-** Free-flowing travel with an excellent level of comfort and convenience and freedom to maneuver.

**LOS B-** Stable operating conditions, but the presence of other road users causes a noticeable, though slight, reduction in comfort, convenience, and maneuvering freedom.

**LOS C-** Stable operating conditions, but the operation of individual users is substantially affected by the interaction with others in the traffic stream.

**LOS D-** High-density, but stable flow. Users experience severe restrictions in speed and freedom to maneuver, with poor levels of comfort and convenience.

**LOS E-** Operating conditions at or near capacity. Speeds are reduced to a low but relatively uniform value. Freedom to maneuver is difficult with users experiencing frustration and poor comfort and convenience. Unstable operation is frequent, and minor disturbances in traffic flow can cause breakdown conditions.

**LOS F-** Forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion. (2000 Highway Capacity Manual, Transportation Research Board)

SR 29 is currently operating acceptably at LOS B northbound from Diamond Mountain Road and LOS D southbound from Diamond Mountain Road during the Friday AM peak hour. It operates at LOS D northbound from Diamond Mountain Road and LOS C southbound from Diamond Mountain Road during the Friday PM peak hour. During the Saturday PM peak hour this road segment operates at LOS C northbound from Diamond Mountain Road and LOS C southbound from Diamond Mountain Road.

According to the study, the project would result in no significant off-site circulation system operational impacts to SR 29 or to the intersection of SR 29 and Diamond Mountain Road under Year 2014, 2020, and cumulative conditions (*Traffic Impact Report Proposed Beautiful Day Winery Along State Route 29-128 Highway in the Napa Valley, 2015*). The number of weekday afternoon or weekend midday peak hour trips generated by the project is no greater than one percent of existing volumes on these facilities. Therefore, the project would result in a nominal increase in trips on the study roadways. Additionally, a project specific condition would ensure that all additional marketing events be scheduled outside peak weekend and weekday traffic hours of 3:00 PM to 6:00 PM. Impacts would be less than significant.

c. No air traffic is proposed and there are no new structures proposed for this project that would interfere with or require alteration of air traffic patterns. No impact would occur.

d-f. After implementation of the proposed project, the site would continue to be accessed via the existing driveway on SR 29. The need for a left turn lane at the project driveway was evaluated as part of the project's traffic study based on the Caltrans criteria. Based on the proposal's traffic levels, a left turn lane would be warranted at the driveway serving the project site. A left turn lane would be installed at the project's entrance on SR 29. Potential environmental impacts associated with the left turn lane installation would be less than significant because this work would occur within existing previously disturbed road right-of-way. The Traffic Impact Report stated that "sight lines to the north and south along SR 29 from the project driveway will meet Caltrans Highway Design Manual stopping sight distance criteria after realignment of the fence to the south of the project entrance 9 feet to the east fence realignment and clearing all brush and trees between the fence and the edge of the State highway are part of the proposed project" (*Traffic Impact Report Proposed Beautiful Day Winery Along State Route 29-128 Highway in the Napa Valley, 2015*). Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as conditioned.

The proposed project includes 13 new parking stalls on-site, inclusive of one handicapped accessible stall. The proposed parking would be sufficient to provide off-street parking for the employees and visitors to the winery.

g. As proposed, the project would not conflict with any adopted policies, plans or programs supporting alternative transportation. No impact would occur.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. TRIBAL CULTURAL RESOURCES.</b> 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:				
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 type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



of the resource to a California Native American tribe.

Discussion:

- a/b. As discussed in Section V of this initial study, there are no existing structures on the parcel that are listed in a local, state or federal register of historic resources. The cultural resource evaluation prepared by FCRS documented an area of sparse lithic scatter, and recommended that evaluation of the oak woodland community area would be warranted in the event development was proposed there. However, with the project redesigned to avoid the oak woodland community and instead be located within an area presently planted in vineyards, the proposed winery does not have a significant potential to disturb prehistoric resources. Consultation with representatives of local Native American tribes who have a cultural interest in the area in accordance with Public Resources Code Section 21080.3.1 was not requested by the three tribes who have requested notice. As discussed in Section V of this initial study, if any resources not previously uncovered during this prior disturbance are found during any earth disturbing activities associated with the proposed project, construction of the project is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with the standard county conditions of approval.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/d/e. The proposed winery operations are estimated to demand 1.27AF/year of water per year, and overall property water use is estimated to be 9.45 AF/year with the project which is below the Valley Floor threshold of 28.8 AF/year for this property. The property owner uses and would continue to use an existing on-site well for water for the residence and proposed winery. Similarly, all of the wastewater generated by the winery (process wastewater and sanitary wastewater) would be treated on-site using treatment systems, with the treated effluent ultimately returned to the soil. With water and wastewater treatment facilities provided on-site, the proposed project requires no determination of service or will-serve letters from water or wastewater treatment service providers.

- b/c. As noted in the discussion of Hydrology and Water Quality (Section IX) above, the winery is proposed to include self-treating and self-retaining areas, as well as bioretention areas and an existing detention basin that in combination would serve as both stormwater quality and runoff management measures. Work areas of the proposed winery would be covered with a roof and plumbed to discharge runoff into the on-site wastewater treatment system, also with the intent to preserve stormwater quality. Proposed wastewater treatment system improvements include installation of a subsurface drip system to allow discharge of treated wastewater into the soil. Grading for construction of bioretention basins, storm drain pipelines and wastewater treatment system improvements would occur on approximately a half-acre combined area on-

site and would occur concurrently with site grading associated with the winery construction, which would be subject to the dust suppression measures listed in section III, Air Quality, of this initial study.

- f/g. Non-recyclable and non-organic waste generated on the property is collected by Upper Valley Waste Management and ultimately deposited at the Keller Canyon Landfill (located in unincorporated eastern Contra Costa County), which, having reached roughly 15 percent of its capacity in the first 12 years of its approximated 50 years of operation (which began in 1992), and extrapolating that same rate of material to date, has adequate capacity remaining to accommodate any non-recyclable and non-organic waste generated from the proposed winery. Beginning in 2016, all establishments that would generate organic waste (such as food waste from wine/food pairings or food service at the proposed winery's marketing events) are required to participate in NRWS's food composting program, as a means to support efforts to achieve State mandates for reductions of greenhouse gas emissions generated from decomposition of material deposited into landfills.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to 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, 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 type="checkbox"/>	<input checked="" 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. The proposed project consists of construction of a new winery building, with utility and surface improvements such as wastewater treatment equipment and vehicle access roads, and operation of a winery with visitation and marketing programs. An existing residence on-site would be retained for use as a residence. The proposed project site has been previously developed and disturbed as a result of construction of the residence, accessory residential structures, and vineyards.

Proposed site improvements would include a covered trash enclosure and stormwater bioretention areas that would serve to treat runoff from proposed new impervious surfaces, including the parking lot and buildings, and proposed site modifications would occur outside of sensitive riparian areas and minimum creek setbacks of the Zoning Code and County Conservation Regulations. Additionally, as noted above, the property has been in agricultural use for several decades, and with the exception of the oak woodland community which will not be significantly altered as a result of the project. The property is predominantly flat and lacking any unique geological features such as rock outcroppings, mounds or other landforms. Known archaeological or paleontological resources on the property are minimal and outside of the project area, and the location of the proposed winery improvements has a lengthy history of ground disturbance. However, if any resources not previously uncovered during this prior disturbance are found during any earth disturbing activities associated with the proposed project, construction of the project is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with standard County conditions of development.

- b. As described in the sections above, noise and air quality impacts associated with installation of proposed winery building and site improvements would be temporary in nature, and so would be less than significant. Operational noise and air quality impacts are also anticipated to be less than significant due to the small size of the structures and distance to the closest sensitive receptors (off-site single-family residences). Groundwater extraction associated with the proposed project would be well below the established threshold for the property. Vehicle trips associated with the proposed winery would increase compared to the existing condition and would contribute to existing and projected, unacceptable weekday evening and weekend midday peak hour levels of service on major roads in Napa County. However, the proposed project's near-term and cumulative contribution to those unacceptable levels of service would be less than one percent and would fall below County thresholds of significance.

- c. There are no schools or hospitals housing sensitive receptors within a quarter-mile of the winery site. Noise from construction that would occur with construction and installation of the proposed site improvements would be temporary, lasting approximately nine to 10 months, would be limited to day time hours, and would be subject to best management practices intended to limit fugitive dust and protect stormwater quality. Ongoing operations of the winery are also anticipated to have less than significant noise impacts on residences in the general area due to substantial distance between those residences and the proposed winery.

Mitigation Measures: None required.

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**PROJECT REVISION STATEMENT**  
**Beautiful Day Winery Use Permit #P15-00202**

I hereby revise Beautiful Day Winery Use Permit #P15-00202 for the construction of a 30,000 gallon winery on a 28.8-acre parcel (Assessor's Parcel No. 020-180-037) located at 4500 St. Helena Highway North, Calistoga CA, to include the measures specified below:

**Mitigation Measure IV.1** – In the event that construction occurs between February 15 and August 31, the work shall be preceded by a survey by a qualified biologist for nesting migratory birds. In the event that nesting birds meeting this criterion are found, construction shall be delayed until fledging is complete as determined by a qualified biologist or until after August 31. This pre-construction survey shall be subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.

**Monitoring:** If construction activity is to occur from February 15 to August 31, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

**Mitigation Measure IV.2** – Based on the arborist's report for this project the California acorn woodpecker storage tree (tree #49) is in unsafe condition and would pose a threat to the public and structures. In the event that this tree must be removed for safety or other reasons, removal shall occur in the late winter just prior to the beginning of the nesting season (February 15) to allow maximum use of the season's food storage. Removal may otherwise be authorized after mid-May if removal work is preceded by the pre-construction protocols stipulated in Mitigation Measure IV.1 subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.

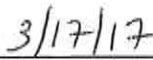
**Monitoring:** If construction activity is to occur after mid-May, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

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

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



Remi Cohen, Beautiful Day, LLC  
(Applicant's Representative)



Date

**Beautiful Day Winery  
Use Permit #P15-00202  
Mitigation Monitoring and Reporting Program**

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/Completion
Impact BIO-1: Biological Resources. Approval of #P15-00202-UP has the potential to directly impact suitable nesting habitat for nesting migratory birds.	<u><b>Mitigation Measure IV.1</b></u> – In the event that construction occurs between February 15 and August 31, the work shall be preceded by a survey by a qualified biologist for nesting migratory birds. In the event that nesting birds meeting this criterion are found, construction shall be delayed until fledging is complete as determined by a qualified biologist or until after August 31. This pre-construction survey shall be subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.	If construction activity is to occur from February 15 to August 31, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.	P	PD	PC _/_/_
	<u><b>Mitigation Measure IV.2</b></u> – Based on the arborist's report for this project the California acorn woodpecker storage tree (tree #49) is in unsafe condition and would pose a threat to the public and structures. In the event that this tree must be removed for safety or other reasons, removal shall occur in the late winter just prior to the beginning of the nesting season (February 15) to allow maximum use of the season's food storage. Removal may otherwise be authorized after mid-May if removal work is preceded by the pre-construction protocols stipulated in Mitigation Measure IV.1 subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.	If construction activity is to occur after mid-May, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.	P	PD	PC _/_/_

Notes: P = Permittee, PD = Planning Division, BD = Building Division, AC = Agricultural Commissioner, DFW = Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G = Project Engineer/Geologist  
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing