

“D”

## CEQA Memo



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

To: Planning Commission	From: Wyntress Balcher, PBES
Date: August 27, 2018	Re: Maldonado Winery Expansion #P17-00101 Categorical Exemption Determination Assessor Parcel #017-140-039

### Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Department has prepared this environmental evaluation for the proposed Maldonado Winery Expansion Use Permit Modification (File No. P17-00101).

### Project Proposal

The project proposes the modification of Use Permit #P04-0271-UP to increase the production capacity of an existing winery from 15,000 gallons to 30,000 gallons/year, with an expansion of the existing on-site septic system, an increase of two employees (one full-time and one part-time) for a total of three employees, and, the construction of required driveway improvements pursuant to the County Road and Street Standards. No building expansion, increase in the number of visitors, marketing events, or change to the hours of operation are proposed. The project is subject to the current County Road and Street Standards that require the construction of additional width to the access driveway and an increase in the width of the existing gate. The project is projected to generate 10.62 daily trips, with 4.03 trips generated during PM peak hour on a typical weekday. On weekends, 4.9 daily trips would be generated, and 2.79 trips generated during the PM peak.

### Existing Setting

The project is located on a ±11.14 acre parcel on the west side of Old Lawley Toll Road, ±1,880 feet north of its intersection with Lake County Highway (State Highway 29) within the AW (Agricultural Watershed) zoning district; 3070 Old Lawley Toll Road, Calistoga, CA 94515; APN: 017-140-039.

Development on the property includes the winery, consisting of the caves where wine production occurs, an uncovered crush pad in front of the caves, an 85 ft<sup>2</sup> restroom building, a paved access driveway; five parking spaces, and a one-acre vineyard. The winery was established by Use Permit # P04-0271-UP approved by the Planning Commission on November 17, 2004 and included a variance request (#P04-0272-VAR) to construct a winery building and associated improvements at 410 feet from the centerline of State Highway 29 and 210 feet from the centerline of Old Lawley Toll Road. The winery proposal included the construction of a 3,308 ft<sup>2</sup> winery building for fermentation, barrel storage, office, laboratory and restrooms, and the construction of 2,800 ft<sup>2</sup> caves

for barrel storage for a total 6,492 ft<sup>2</sup> winery. The proposal also included the construction of a 2,700 ft<sup>2</sup> open crush pad, an 80 ft<sup>2</sup> outdoor equipment pad, a 200 ft<sup>2</sup> water tank pad, a new engineered septic system, two 12,000 gallon water tanks, five parking spaces and a new driveway. The construction of the full winery building has been deferred to a later time, and only an 85 ft<sup>2</sup> restroom has been constructed. The Planning Commission approved tours and tastings by appointment, limited to four per day with a maximum of 12 people per day, average of 10 tastings per week, not to exceed 30 people per week, not to exceed 20 tastings per week. The approved marketing events were listed as: Tours and tastings by appointment only limited to two appointments/year (weekends only) with a maximum of 25 people; a marketing plan with two wine and food events per year (weekends only) for members of the wine trade only with a maximum of 15 people; and one harvest event/year (weekends only) with a maximum of 50 people. (No events shall occur at the same time).

Very Minor Modification #P16-00203-VMM was approved by the Planning Director on August 4, 2016, to allow the construction of a 1,050 ft<sup>2</sup> deck adjacent to the winery building. No other physical changes or changes to the winery operation were approved.

### **CEQA Exemption Criteria and Analysis**

Because of the minimal construction required for the project and the limited change to the winery operations, the Planning Department finds the project to be categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15303, Class 3 (New Construction or Conversion of Small Structures), Section 15304 Class 4: Minor Alterations to Land. and Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures).

**Section 15303** - New Construction or Conversion of Small Structures Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

#### **Analysis:**

*The project proposes an increase in the production capacity with associated improvements to the sewage disposal system. In addition, the project is subject to the current County Road and Street Standards, which will require construction of improvements to the existing access driveway and changes to the gate entrance. Such small grading activities is consistent with the exemption listed under 15303 (d) water main, sewage, electrical gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*

**Section 15304** -Minor Alterations to Land Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of health, mature, scenic trees except for forestry and agricultural purposes.

#### **Analysis:**

*The proposed sewage disposal improvements and associated driveway improvements will be constructed or improved on existing developed land. Such land alterations are consistent with the exemption listed under 15304 (f) minor trenching and backfilling where the surface is restored.*

Further, the Planning Division finds the project to be categorically exempt from CEQA under Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under **Class 3: New Construction or Conversion of Small Structures**.

### Categorical Exemption Class 3

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

- (a) are less than 5,000 square feet in size excluding caves;
- (b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet with all of the excavated cave spoils to be used on site;
- (b) will produce 30,000 gallons or less per year;
- (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place;
- (d) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; **AND**
- (e) will hold no temporary events.

#### Analysis:

- a) "...are less than 5,000 square feet in size excluding caves."

*Response: The project proposes only an increase in production, and does not propose any expansion of the existing approved but not fully constructed 3,308 ft<sup>2</sup> winery building facilities. The only winery improvements will be an expansion of the sewage disposal system and the access driveway improvements required by the County Road and Street Standards.*

- b) "...will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet with all of the excavated cave spoils to be used on site.

*Response: There are existing cave facilities and this project does not include a proposal for increasing the size of the existing caves beyond the approved 2,800 ft<sup>2</sup>.*

- b) will produce 30,000 gallons or less per year.

*Response: The project proposes to increase production from 15,000 gallons/year to 30,000 gallons/year.*

- c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place.

*Response: The original project was approved for one part-time employee, and the current proposal is to add one full-time and one part-time employee for a total of three employees. By appointment tours and tastings were approved, limited to four per day with a maximum of 12 people per day, average of 10 tastings per week, not to exceed 30 people per week, not to exceed 20 tastings per week. The approved marketing events were listed as: Tours and tastings by appointment only limited to two appointments/year (weekends only) with a maximum of 25 people; a marketing plan with two wine and food events per year (weekends only) for members of the wine trade only with a maximum of 15 people; and one harvest event/year (weekends only) with a maximum of 50 people. (No events shall occur at the same time). Based upon the Napa County Winery Traffic Information/Trip Generation Sheet, the maximum number of weekday daily trips would be 10.82 trips; 4.03 trips during PM peak hour (4:00PM – 6:00 PM). There are no marketing events allowed on weekdays. On a weekend, 4.9 trips would be generated and 2.79 PM peak trips.*

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

*Response: The approved marketing plan included two wine and food events per year (weekends only) for members of the wine trade only with a maximum of 15 people; and one harvest event/year (weekends only) with a maximum of 50 people. (No events shall occur at the same time). The original use permit did not include approval for a wine auction event, thus the 50 person event would host less guests than a wine auction event, consistent with the criteria.*

- e) will hold no temporary events.

*Response: The project is not approved for temporary events and the project statement indicates that there will be no changes proposed in the operations of the winery.*

Under Section 15300.2 of the California Environmental Quality Act, a Class 3 (Section 15303) exemption cannot be used if environmental sensitivities exist at the site or if there will be cumulative impacts. According to the County's resource maps, there are no environmental sensitivities, scenic resources, hazardous waste sites, nor historic resources identified on the site. There is no request for building expansion and the only land disturbing activities will be minimal to improve the waste disposal system and to comply with the requirements of the County Road and Street Standards. There is no proposed change to the existing visitation or existing marketing events and the project will not result in any cumulative significant traffic impacts.

Based upon the project's compliance with the criteria established for a small winery and based upon the above indicated determination regarding significant impacts, it can be determined that this proposal meets the Categorical Exemption discussed above, and the project is exempt from CEQA.