

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

Notice of Intent to Adopt a Mitigated Negative Declaration

1. **Project Title:** Diamond Heights Winery; Use Permit P10-00400.
2. **Property Owner:** Diamond Heights Winery LLC, 718 University Avenue, Suite 213, Los Gatos, Ca 95032.
3. **Napa County Contact Person and Phone Number:** Linda St. Claire, Planner, 299-1348, linda.stclaire@countyofnapa.org.
4. **Project Location and APN:** The 41.45 acre project site is located on the south side of Petrified Forest Road, approximately 1.6 miles west of Franz Valley Rd and the City of Calistoga, APN: 020-430-007, 255 Petrified Forest Rd, Calistoga.
5. **Project Sponsor's Name and Address:** Mike Burwell, Diamond Heights Winery, LLC, 900 Veterans Blvd, Suite 500, Redwood City, CA 94063.
6. **Hazardous Waste Sites:** The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
7. **Project Description:** Approval of a new Use Permit to:

1) convert an existing 20,000 gallon per year Small Winery Exemption with no visitation or marketing events to a 20,000 gallon per year winery with visitation and marketing; 2) recognize and upgrade existing improvements including: an outdoor covered crushpad (1,692 sq. ft.), tank pad (735 sq. ft.), winery production areas (6,719 sq. ft.) and indoor accessory areas (2,709 sq. ft.) totaling approximately 11,855 square feet of area; 3) increase employees from 1 full-time and 1 part-time to 4 full-time and 2 part-time; 4) increase parking from 8 spaces to 15 spaces, 5) establish by-appointment tours and tastings to a maximum of 15 per day; 6) establish a marketing plan with three events per year for a maximum of 40 guests at each event and one event per year for a maximum of 100 guests; 7) expansion of existing subsurface drip winery wastewater system; and, 8) widening of the existing access drive to 20 feet.

Marketing Plan: The marketing events will occur both inside and outside the winery buildings. The winery has an employee kitchen, but will use food service catered by an off-site service for the larger events. Private tours and tastings would conclude by 4 PM, pursuant to County imposed standard conditions of approval. Evening marketing events are required by the County to cease by 10:00 PM, including cleanup. The start and finish time of marketing activities will be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

PRELIMINARY DETERMINATION:

The Napa County Conservation, Development and Planning Director has tentatively determined that the following project would not have a significant effect on the environment and the County intends to adopt a **mitigated negative declaration**. Documentation supporting this determination is contained in the attached Initial Study Checklist and is available for inspection at the Napa County Conservation, Development and Planning Department Office, 1195 Third St., Room 210, Napa, California 94559 between the hours of 8:00 AM and 4:45 PM Monday through Friday (except holidays).

DATE: June 2, 2011

BY: Linda St. Claire

WRITTEN COMMENT PERIOD: June 7, 2011 to July 6, 2011

Please send written comments to the attention of Linda St. Claire at 1195 Third St., Room 210, Napa, California 94559, or via e-mail to linda.stclaire@countyofnapa.org. A public hearing on this project is tentatively scheduled for the Napa County Conservation, Development and Planning Commission at 9:00 AM or later on Wednesday, July 06, 2011. You may confirm the date and time of this hearing by calling (707) 253-4416.

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Initial Study Checklist
(reference CEQA, Appendix G)

1. **Project Title:** Diamond Heights Winery; Use Permit Modification P10-00400-MOD.
2. **Property Owner:** Diamond Heights Winery LLC, 718 University Avenue, Suite 213, Los Gatos, Ca 95032.
3. **Napa County Contact Person and Phone Number:** Linda St. Claire, Planner II, 253-4417, linda.stclaire@countyofnapa.org.
4. **Project Location and APN:** The 41.45 acre project site is located on the south side of Petrified Forest Road, approximately 1.6 miles west of Franz Valley Rd and the City of Calistoga APN: 020-430-007, 255 Petrified Forest Rd, Calistoga.
5. **Project Sponsor's Name and Address:** Mike Burwell, Diamond Heights Winery, LLC, 900 Veterans Blvd, Suite 500, Redwood City, CA 94063.
6. **General Plan Description:** AWOS – Agriculture, Watershed and Open Space
7. **Zoning:** AW – Agricultural Watershed
8. **Background/Project History.** A Small Winery Use Permit Exception was granted by the Planning Commission on January 15, 1985, to utilize a 2, 208 sq. ft. structure as a winery. The historic property also includes a 4,550 sq. ft. residence, a 980 sq. ft. guest house, a garage and two barns. The approved production capacity for the winery was 20,000 gallons per year. Approved hours of operation were 7:30 am to 5:30 pm, seven days a week. The information submitted with the application indicated that there would be one full-time employee and one part-time employee. A minimum of 6 on-site parking spaces were requested, and approved. Tours and tasting and marketing were not allowed under the Small Winery Exemption. A modification to the use permit was approved in 2006 (P06-0132-UP) but had not been activated, thus expiring in 2008. The winery was recently foreclosed upon and the receivership now requests a use permit for a winery.

9. **Project Description:** Approval of a Use Permit to:

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Marketing Plan: The marketing events will occur both inside and outside the winery buildings. The winery has an employee kitchen, but will use food service catered by an off-site service for the larger events. Private tours and tastings would conclude by 4 PM, pursuant to County imposed standard conditions of approval. Evening marketing events are required by the County to cease by 10:00 PM, including cleanup. The start and finish time of marketing activities will be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

10. **Environmental setting and surrounding land uses:**

The 41.45 acre project site is located on the south side of Petrified Forest Road, approximately 1.6 miles west of Franz Valley Rd and the City of Calistoga, APN: 020-430-007, 255 Petrified Forest Rd, Calistoga. The project site is currently developed with a winery, a residence, a guest house, approximately 10 acres of vineyards, agricultural buildings, and wooded areas. Elevations range from approximately 120-ft. to 200-ft. above mean sea level. Properties in the vicinity of the project site range in size from 1 to 51 acres. Surrounding uses include single-family homes, vineyards. The nearest wineries are two miles to the northeast (Envy, Prager).

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

Discretionary approvals required by the County consist of a use permit. The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, encroachment permit, and waste disposal permits. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

Other Agencies Contacted

Federal Trade and Taxation Bureau
Department of Alcoholic Beverage Control

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.

Signature

Date

Linda St. Claire, Planner, Napa County Conservation, Development and Planning Department

ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project site is currently developed with existing winery buildings and associated improvements. The proposed outdoor work areas will not be visible from any road or neighboring property. The project site is not visible from a designated scenic vista.
- b/c. The project would not result in substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings because no tree removal is proposed. There are no rock outcroppings onsite.
- d. No additional lighting has been proposed. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting is required to be shielded and directed downwards, with only low level lighting allowed in parking areas. The standard winery condition of approval relating to lighting states that;

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, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted. Architectural highlighting and/or spotting are not allowed. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. All lighting shall comply with the California Building Code.

The standard condition of approval will ensure that any potential impacts resulting from new sources of outside lighting are less than significant.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- Based on a review of Napa County environmental resource mapping (*Department of Conservation Farmlands, 2008* layer), a section of the project area is located on unique farmland. The winery area, however, is located on land classified as other. The existing winery development area has proposed a driveway upgrade as the only construction onsite. Additionally, the entirety of the proposed project will either be dedicated to active wine production or winery-accessory uses. General Plan Agricultural Preservation and Land Use policies Ag/LU-2 and Ag/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. As a result, this application will not result in the conversion of special status farmland to a non-agricultural use.
- The property's AW (Agricultural Watershed) zoning allows wineries and related accessory uses upon grant of a use permit. The previously constructed improvements and the driveway upgrades have not and will not result in the removal of any vineyard areas.
- As discussed at items "a." and "b.", above, the winery and winery accessory uses proposed in this application are defined as agricultural by the Napa County General Plan and are allowed under the parcels' AW (Agricultural Watershed) zoning. Neither this project, nor any foreseeable consequence thereof, would result in changes to the existing environment which would result in the conversion of special status farmland to a non-agricultural use.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 Note on Greenhouse Gases

Operation and construction of the project analyzed in this initial study would contribute to overall increases in Greenhouse Gas (GHG) emissions by generating emissions associated with transportation to and from the site, emissions from energy used within buildings, and emissions from the use of equipment. The project-specific increase in GHG emissions would be relatively modest, given the estimated average of 15 new vehicle trips per day, and increasingly stringent Title 24 energy conservation requirements imposed as part of the building permit process.

Napa County has not yet adopted explicit thresholds of significance for GHG emissions, although the State has recently adopted changes to the State CEQA Guidelines which suggest that agencies may consider (among other factors) the extent to which a project complies with requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG (State CEQA Guidelines Section 15064.4(b) (3)). Also, the Bay Area Air Quality Management District (BAAQMD) has proposed compliance with a "qualified climate action plan" as a threshold of significance, along with a quantitative threshold of 1,100 MTCO₂e/yr (metric tons of carbon dioxide equivalents per year) for land use projects.

Overall increases in green house gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update which was certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

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 is currently serving as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

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. The relatively modest increase in emissions expected as a result of the project would be well below the significance threshold suggested by BAAQMD. For these reasons, project impacts related to GHG emissions are considered less than significant.

- a. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Wineries are not producers of air pollution in volumes substantial enough to result in an air quality plan conflict. The project site lies within the Napa Valley, which forms one of the climatologically distinct sub-regions (Napa County Sub region) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the Valley create a relatively high potential for air pollution. 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 *Bay Area Air Quality Management Plan* 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 (*BAAQMD CEQA Guidelines*, p. 24). The use permit modification proposed here includes a total of 4 full-time employees, 2 part-time employees, 15 visitors on the busiest-day for tours and tasting, and potentially 1 pickup/delivery per day. The proposed marketing events would be expected to generate 46 trip for three annual events and 89 trips for one annual event.
- b. Please see "a.", above. There are no projected or existing air quality violations in the area to which this proposal would contribute. The project would not result in any violations of applicable air quality standards.
- c. Please see "a.," above and "d.-e.," below. 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. Standard conditions of approval for any Napa County construction project require dust control measures (see d/e., below).
- d/e. Earthmoving and construction activities required for project construction may cause odors and a temporary degradation in air quality from dust and heavy equipment air emissions during the construction phase. While 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 during windy periods.

Wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The nearest residence is approximately 560-feet to the northwest. Construction-phase pollutants will be reduced to a less than significant level by the above-noted standard condition of approval. The project will not create pollutant concentrations or objectionable odors affecting a substantial number of people.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Im
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-d. The project site is developed with a winery and vineyards. The grading improvements for the existing access driveway and existing parking areas will require minimal land disturbance within an area previously disturbed by vehicle traffic. This project proposal is a duplicate of an earlier prepared and approved plan which had not been activated by the applicant and therefore expired. A Mitigated Negative Declaration for this project site, approved by the Napa County Planning Commission August 2, 2006 found that the project would have no impact upon botanical resources or habitats, based on the Napa County Environmental Resource maps (vegetation layer). Based on the Napa County Environmental Resources maps (Spotted Owl habitat – 1.5 mile buffer) the project site is still located within 1.5 miles of a Spotted Owl nest. The project site also includes wooded areas that could provide suitable habitat for special status raptors or other special status birds. The project is utilizing existing buildings with improvements to the existing driveway, existing gravel parking lot and a 120 sq. ft. unpermitted addition to be demolished and rebuilt. Based on the found nesting site, a mitigation measure was and continues to be required. A preconstruction survey for raptors (including spotted owl) must be conducted by a qualified biologist to determine the presence or absence of any raptor (including spotted owl) or special status bird nest prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Game, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Game. This survey shall study an exclusionary area with biological monitoring. If any raptor nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A biological monitor shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work would cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue. Mitigation measure #1, below, will reduce any impacts to Spotted Owls, special-species raptors or other special-status nesting birds to a less than significant level.

- e. The proposed project is not subject to any local policies or ordinances protecting biological resources, including tree preservation policies or ordinances. No trees will be removed as a result of this project.
- f. There are no Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans applicable to the subject parcel.

Mitigation Measure(s):

1. The previously approved mitigation measure continues to be relevant: Prior to commencement of earthmoving activities, a qualified biologist shall conduct a survey to determine the presence or absence of any raptor (including spotted owl) or special-status bird nests prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Game, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Game. This survey shall study an exclusionary area with biological monitoring. If any raptor nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A qualified biologist shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work would cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue.

	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

a-c. The 2006 use permit included a historical evaluation of the Diamond Heights Winery, by Roland-Nawi Associates dated June 27, 2005, and found it to be historically significant due to contribution to local history and association with a person of significance. The historian found that although some of the buildings had been adapted to new uses, this adaptation had been undertaken in a manner that has preserved the original appearance of the buildings and has not caused structural or architectural changes. The current proposal, although identical to the 2006 proposal, was asked to obtain an updated historic survey, (due to the construction of an unpermitted addition) to ensure no changes had taken place which would have altered the previous findings. The current study from Juliana Inman, dated March 23, 2011, found the site to continue to hold historic significance, and recommended standard measures to ensure continued compliance with The Secretary of the Interior's Standards. No information was found to indicate archaeological resources were on the site. However, if resources are found during construction of the proposed waste disposal system or upgrades to the road, construction would be required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval related to archaeological or paleontological resources;

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 Conservation, Development and Planning 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 the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he 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 nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98

- d. No information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during construction of the waste disposal system, construction would be required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval, noted above.

Mitigation Measure(s):

#1. Prior to construction of the 120 square foot addition to the historic winery building the applicant shall follow The Secretary of Interiors Guidelines as described in the Historic Resources Report Update by Juliana Inman, dated March 23, 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
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"/>
a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<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"/>
v) 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"/>

Discussion:

- a.
- i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed facility would result in a less than significant impact with regards to rupturing a known fault.
- ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the addition will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.

- iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest editions of the Uniform Building Code for seismic stability would reduce any impacts to a less than significant level.
 - iv.) The geological layers of the Napa County Environmental Resources Maps indicate the presence of a soil creep in an area north of the existing structures used for the winery, which will not be disturbed by the driveway improvements or the 120 sq ft addition, resulting in reducing this risk to a less than significant level.
- b. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the portion of the site where the winery is located composed primarily of soils in the Aiken loam series, found on 15 to 30 percent slopes and 30-50 percent slopes. Soils in the Aiken loam series, found on 15 to 30 percent slopes, are found in the western portion of the site which is where the winery is located. This moderately steep soil is on side slopes on uplands. Included with this soil in mapping were small areas of Boomer, Felton, Forward, Kidd, and Sobrante soils, areas of soils that have stones on the surface, and areas of soils that are more than 60 inches deep to bedrock. Runoff is medium, and the hazard of erosion is moderate. Project approval will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways.
- c/d. According to the Napa County Environmental Resource Maps (Surficial Deposits layer) pre-Quaternary deposits and bedrock underlie the surficial soils on the project site. Based on the Napa County Environmental Sensitivity Maps (Liquefaction layer) the project site has a very low susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level. In addition, a soils report, prepared by a qualified Engineer will be required as part of the building permit submittal for any improvements requiring building permits. The report will address the soil stability, potential for liquefaction and will be used to design specific foundation systems and grading methods.
- e. The Napa County Department of Environmental Management has reviewed this application and recommends approval based on the submitted wastewater feasibility report and septic improvement plans. Soils on the property have been determined to be adequate to support the proposed septic improvements including the winery's process waste.

Mitigation Measure(s): None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Imp
VII.	HAZARDS AND HAZARDOUS MATERIALS. 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 type="checkbox"/>	<input checked="" 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Im
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"/>
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"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of these materials reach reportable levels.
- The project would not result in the release of hazardous materials into the environment.
- There are no schools located within one-quarter mile from the proposed project site.
- The proposed site is not on any known list of hazardous materials sites.
- The project site is not located within two miles of any public airport.
- The project site is not located within the vicinity of any private airports.
- The proposed project will not impair the implementation of or physically interfere with an adopted emergency response plan or evacuation plan.
- The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Imp:
VIII. HYDROLOGY AND WATER QUALITY. 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. New domestic and process wastewater systems are proposed. The Napa County Department of Environmental Management has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Additionally, the applicant will be required to obtain all necessary permits from the Napa County Department of Public Works, including a Stormwater Pollution Management Permit. The permit will provide for adequate on site containment of runoff during storm events through placement of siltation measures around the development area.
- b. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). 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. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. The project is located in a hillside area above the valley floor in an area that has an established acceptable water use criteria of 0.5 acre foot per acre per year.

Based on the submitted phase one water availability analysis, the 41.5 acre parcel has a water availability calculation of 20.7 acre feet per year (af/yr). Existing water usage on the parcel is approximately 6.78 af/yr, including 1.00 af/yr for the residential use, 0.53 af/yr for the winery, .25 for landscaping, and 5.00 af/yr for approximately 10 acres of established vineyards. This application proposes no additional water use. Based on these figures, the project would be below the established threshold for groundwater

use on the parcel. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

- c.-e. There are no existing or planned stormwater systems that would be affected by this project. The project will likely disturb slightly more than one acre of land, the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction activities. The area surrounding the project is pervious ground that is planted to vineyards and has the capacity to absorb runoff.
- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. As discussed in greater detail at, "a.," above, the Department of Environmental Management has reviewed the sanitary wastewater proposal and has found the proposed system adequate to meet the facility's septic needs as conditioned. No information has been encountered that would indicate a substantial impact to water quality.
- g.-i. According to Napa County environmental resource mapping (*Floodplain* and *Dam Levee Inundation* layers), The project site is not located within a flood hazard area, nor would it impede or redirect flood flows or expose structures or people to flooding. The project site is not located within a dam or levee failure inundation zone.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 120-ft. to 200-ft. above mean sea level and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project is located in an area dominated by agricultural and open space uses and the improvements proposed here are in support of the ongoing agricultural use of the property. This project will not divide an established community
- b. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU 1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture Watershed and Open Space), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...).

The General Plan includes two complimentary policies requiring that new wineries, "...be designed to convey their permanence and attractiveness." (General Plan Agricultural Preservation and Land Use Policy AG/LU-10 and General Plan Community Character Policy CC-2). Although this is not a new winery, the exterior alterations to the existing building proposed here are generally of a high architectural quality in that the original horizontal wood has been replaced with a multi-colored stone cladding, conveying the required permanence and improving the buildings overall attractiveness.

- c. There are no habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. 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. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (*Mines and Mineral Deposits*, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on or near the project site.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE. 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Imp.
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 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. The proposed project will result in a temporary increase in noise levels during the project construction phase. Construction activities will be limited to daylight hours using properly muffled vehicles; noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant construction noise impacts. Construction activities would generally occur during the period between 7 am and 7 pm on weekdays- normal waking hours. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (N.C.C. Chapter 8.16).

c/d. Noise from winery operations is generally limited; however, the proposed marketing plan could create additional noise impacts. The submitted marketing plan includes four annual events, three with a maximum of 40 visitors and one of which would include up to a maximum of 100 visitors. The Napa County Exterior Noise Ordinance, which was adopted in 1984, sets the maximum permissible received sound level for a rural residence as 45 db between the hours of 10 p.m. and 7 a.m. While the 45 db limitation is strict (45 db is roughly equivalent to the sound generated by a quiet conversation), the area surrounding the subject property is very lightly developed, with only a scattering of homes on large lots located in the immediate vicinity. Continuing enforcement of Napa County's Exterior Noise Ordinance by the Department of Environmental Management and the Napa County Sheriff, including the prohibition against outdoor amplified music, should ensure that marketing events and other winery activities do not create a significant noise impact.

e/f. The project site is not located within an airport land use plan nor is it within two miles of a public airport or private airstrip.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Imp.
XII. POPULATION AND HOUSING. 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 type="checkbox"/>	<input checked="" 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. The applicant is requesting approval to allow 4 full and 2 part time part time employees. The Association of Bay Area Governments' *Projections 2003* figures indicate that the total population of Napa County is projected to increase some 23% 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%. The additional employee positions which are part of this project will almost certainly 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 will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

b/c. The existing residential floor area next to the winery will continue as residential. This application will not displace a substantial volume of existing housing or a substantial number of people and will not necessitate the construction of replacement housing elsewhere.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. 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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a. Public services are currently provided to the project area, and as the winery is or has been in full operation, the additional demand placed on existing services would be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire and Public Works Departments have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

Mitigation Measure(s): None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV.	RECREATION. Would the project:				
a)	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 type="checkbox"/>	<input checked="" type="checkbox"/>
b)	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. This application proposes new tours and tastings, marketing events, construction of new winery systems, and some very minor additional on-site employment. No portion of this project, nor any foreseeable result thereof, would significantly increase the use of existing recreational facilities. This project does not include recreational facilities that would have a significant adverse effect on the environment.

Mitigation Measure(s): None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV.	TRANSPORTATION/TRAFFIC. 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 (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management 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 checked="" type="checkbox"/>	<input 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)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.-b. The site is located on Petrified Forest Road, approximately 1.6 mile west of Franz Valley Road. The current proposal includes increasing the number of employees from 1 full-time and 1 part-time to 4 full-time and 2 part-time, increasing the number of on-site parking spaces from 6 to 15, establishing tours and tasting by prior appointment for up to 15 people a day (maximum of 105

per week) and establishing a Marketing Plan with three events per year with for a maximum of 40 guests, and one event per year for a maximum of 100 guests. Marketing activities would occur outside the weekday and Saturday peak traffic periods (7-10 AM and 4-6 PM).

As analyzed in the detailed project description, the increases in employment and marketing and by-appointment tours and tasting visitation proposed in this application would result in 65 daily round trips during a typical weekday and 76 on a typical Saturday or Sunday. Approximately 8 additional daily round trips would be generated during the 6 week harvest season. The proposed marketing activities would generate approximately 56 round trips for each of the three annual events and 89 round trips for the remaining annual event. All trips would include employees, visitors and delivery vehicles. Traffic counts for Petrified Forest Road from 2006 show the daily volume to be 10,275 trips. As a result, project impacts on traffic loading and levels of service (D) are deemed not to be considerable and would not result in a change in the level of service.

- c. This proposed project would not result in any change to air traffic patterns.
- d.-e. Primary access to and from the winery is from Petrified Forest Road via Foothill Road.

Access to the site is proposed to remain at the existing driveway entrance off Petrified Forest Road. The driveway was approved with the original use permit for the winery; however, portions of the existing driveway do not meet the minimum required width of 20-feet with the narrowest portion being about 17-feet wide. In addition, the driveways intersection with Petrified Forest Road, while more than 20-feet wide, does not meet standards regarding turning radius, slope, and vertical curve. Public Works and the Fire Marshall have reviewed the proposal for widening the road and recommend approval as conditioned.

- f. There is currently parking for 8 vehicles provided on site (8 approved). The project proposes the addition of two accessible parking space. The total parking proposed is 15 spaces. These parking spaces would be sufficient to accommodate parking needs during normal business days for employees and visitors. During the marketing events, the applicant has sufficient space to accommodate additional parking throughout the remainder of the property or will provide a shuttle service from nearby legally established parking areas. No parking will be permitted within the right-of-way of Petrified Forest Road.
- g. There is no aspect of this proposed project that would conflict with any adopted policies, plans or programs supporting alternative transportation.

Mitigation Measure(s): none required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Imp:
XVI.	UTILITIES AND SERVICE SYSTEMS. Would the project:				
	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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Ir
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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board and will not result in a significant impact on the environment relative to wastewater discharge. Wastewater disposal will be accommodated on-site and in compliance with State and County regulations. The project will not require construction of any new water or wastewater treatment facilities that will result in a significant impact to the environment. Wastewater disposal will be accommodated on-site in compliance with State and County regulations.
- c. The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, which will cause a significant impact to the environment.
- d. The project has sufficient water supplies to serve existing and projected needs. No new or expanded entitlements are needed.
- e. Wastewater will be treated on-site and will not require a wastewater treatment provider.
- f. The project will be served by a landfill with sufficient capacity to meet the projects demands. No significant impact will occur from the disposal of solid waste generated by the project.
- g. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Imp.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 site has been previously developed with a winery and vineyards. The project would have a less than significant impact on wildlife resources. As analyzed above, no sensitive resources or biologic areas will be converted or affected by this project. Also as analyzed above, the project would not result in a significant loss of native trees, native vegetation, or important examples of California's history or pre-history.
- b. As discussed above and in particular under Transportation/Traffic, the proposed project does not have impacts that are individually limited, but cumulatively considerable.
- c. As mitigated herein, there are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No hazardous conditions resulting from this project have been identified. The project would not have any environmental effects that would result in significant impacts.

Project Revision Statement & Mitigation Monitoring and Reporting Program
(Environmental Review)

Diamond Heights Winery

Use Permit Major Modification Application № P10-00400-UP
Assessor's Parcel № 020-430-007
255 Petrified Forest Road, Calistoga, Calif, 94515

I hereby revise my request to include the mitigation measures specified below:

Biological Resources/ Cultural Resources

Mitigation Measures:

1. Prior to commencement of construction, a qualified biologist shall conduct a survey to determine the presences or absences of any raptor (including spotted owl) or special-status bird nests prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Game, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Game. This survey shall study an exclusionary area with biological monitoring. If any raptor nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A qualified biologist shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work would cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue.

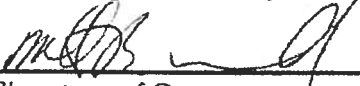
Method of Mitigation Monitoring: Prior to the approval of any permit for the construction of the driveway upgrades, a qualified biologist report shall be submitted to the Planning department for review and confirmation of compliance. **RESPONSIBLE AGENCY-** Planning Division.

2. Prior to demolition of the existing, and construction of the 120 square foot addition to the historic winery building the applicant shall follow The Secretary of Interiors Guidelines as described in the Historic Resources Report Update by Juliana Inman, dated March 23, 2011.

Method of Mitigation Monitoring: Prior to issuance of any building permit for the project, submit building plans for the Planning Dept to review historic architect's report and confirm project in compliance. **RESPONSIBLE AGENCY-** Planning Division.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of §66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

Diamond Heights Winery LLC.


Signature of Owner
Redwood Mortgage Corp.
- California Corporation
Manager

Michael Burwell
Print Name

Manager
Interest

MITIGATION MONITORING AND REPORTING PROGRAM
 Diamond Heights Winery LLC #P10-00400-JP (APN 020-430-007)

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
<p>Biological Resources (Section IV)</p> <p>Prior to commencement of construction, a qualified biologist shall conduct a survey to determine the presences or absences of any raptor (including spotted owl) or special-status bird nests prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Game, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Game. This survey shall study an exclusionary area with biological monitoring. If any raptor nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A qualified biologist shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work would cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue.</p>	<p>Planning Department</p>	<p>Prior to the approval of any permit for the construction of the driveway upgrades, a qualified biologist report shall be submitted to the Planning department for review and confirmation of compliance.</p>	
<p>Cultural Resources (Section V)</p> <p>Prior to demolition of the existing, and construction of the 120 square foot addition to the historic winery building the applicant shall follow The Secretary of Interiors Guidelines as described in the Historic Resources Report Update by Juliana Inman, dated March 23, 2011.</p>	<p>Planning Department</p>	<p>Prior to issuance of any building permit for the project, submit building plans for the Planning Dept to review historic architect's report and confirm project in compliance.</p>	

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date the project revision statement is received by the Napa County Conservation, Development, and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

Diamond Heights Winery LLC.

[Signature]
 Signature of Owner(s)/Authorized Agent
 Redwood Mortgage Corp.
 a California Corp. Managing

[Signature]
 Michael Barwell
 Print Name

[Signature]
 Interest

