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**Initial Study/Negative Declaration
(or Mitigated Negative Declaration or
CEQA Memo)**

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

Initial Study Checklist (REVISED)
(form updated February 2015)

1. **Project Title:** Frog's Leap Winery, Use Permit Major Modification # P14-00054
2. **Property Owner:** Frog's Leap Winery, 8815 Conn Creek Road, Rutherford, CA 94573; (707) 963-4704
3. **Project Sponsor's Name and Address:** John T. Williams, 8815 Conn Creek Road, Rutherford, CA 94573; (707) 963-4704
4. **Representative:** Jeffrey Redding, 2423 Renfrew Street, Napa, CA 94558; (707) 255-7375; jreddingaipc@comcast.net
5. **County Contact Person, Phone Number and email:** Shaveta Sharma; (707) 299-1358; shaveta.sharma@countyofnapa.org
6. **Project location and APN:** The project is located on a 38.92 acre parcel on the west side of Conn Creek Road between Silverado Trail and Rutherford Road within an AP (Agriculture Preserve) zoning district.; Assessor's Parcel # 030-090-033-000; 8815 Conn Creek Road, Rutherford, CA.
7. **General Plan description:** Agricultural Resource (AR).
8. **Zoning:** Agriculture Preserve (AP).
9. **Background/Project History:** Frog's Leap Winery was established on May 18, 1994, by approval of Use Permit #U93397 for a 240,000 gallon/year winery and the construction of a 26,624 square foot winery building. There were subsequent use permit modification approvals to expand the facility.

May 1994 - Use Permit #U93397-UP was approved by the Planning Commission to construct a 26,624 square foot winery with 240,000 gallons per year production with visitation for up to 50 persons Monday through Saturday by appointment only, and three monthly events with an average of 25 guests, ~~and. The winery was approved to have~~ four full-time employees. The winery was constructed in phases and following the Department of Interior's guidelines for historic structures they converted the existing historic red barn into the winery.

June 1999 – Use Permit Major Modification #U98501-MOD was approved by the Planning Commission to increase the square footage of the barrel storage building from 9,600 to 18,404 square feet.

January 2005 - Use Permit Major Modification #P04-0427-MOD was approved by the Planning Commission to construct a 10,400 square ~~foot-administration~~foot administration/visitor building, relocate some buildings, relocate and re-align the existing driveway, relocate the visitor parking lot and convert an existing administrative building to a residential use.

August 2010 - Use Permit Major Modification #P10-00157-MOD was approved by the Planning Commission to modify tours and tastings (by appointment only) from Monday through Saturday to Monday through Sunday for 50 persons per day maximum ~~and~~ 350 per week. No changes to winery production levels, marketing events (three per month with an average of 25 visitors), employees (four full-time), or site and building improvements were approved.

Existing Winery characteristics: According to the applicant the winery in 2014 processed 177,146 gallons of wine; has a total of 39,995 square feet of production area and 9,934 square feet of accessory uses; employs 30 full-time and five part-time employees; conducts tours and tastings by appointment only for an average of 116 visitors per day and 812 visitors per week; and holds 18 annual marketing events with an average attendance of 88 persons. The existing 18 annual marketing events consists of one

event per month at 25 persons; one event annually for 100 persons; one event per year for 150 persons; three events per year for 200 persons and one event annually for up to 450 persons. The latter has been conducted under a T Events License.

The project as it exists is compliant with respect to all structures on the property. However, the visitation, marketing, and number of employees is in excess of certain provisions of the last 2010 Modification which permitted up to 50 visitors per day, 36 annual marketing events for up to 25 persons, and four full time employees. Following completion, the project will conform to all required setbacks, coverage, winery development areas and accessory use to production area ratios as established by the Winery Definition Ordinance. However, the visitation, marketing, and number of employees is in excess of the last 2010 Modification which permitted up to 50 visitors per day, 36 annual events, and four full time employees. The applicant submitted their Modification application in February 2014, voluntarily upon realizing that their activities were beyond the scope authorized in 2010. The baseline for this initial study is the existing winery operations as described above not those activities approved under use permit #P10-00157-MOD.

10. **Project Description:** A revised Initial Study is being recirculated to address neighbor concerns with noise and traffic issues. This document has additional analysis throughout, but specifically in the Noise and Transportation/Traffic sections respectively. Approval to modify the previous project approvals (Use Permit #U93397, Use Permit Modification #U98501-MOD, Use Permit Modification P04-0427-MOD, Use Permit #P10-00157-MOD) for the existing 240,000 gallons per year Winery to allow the following:
- (a) construct a 3,047 square foot agricultural processing facility to process fruit from the existing orchard on-site, a 625 square foot tasting room, and an 845 square foot porch to replace an existing 2,290 sq. ft. modular office building;
 - (b) demolition of a 2,290 square foot modular office building;
 - (c) increase the daily tours and tastings from approved 50 persons per day and 350 persons maximum per week, the existing average of 116 visitors per day and 812 visitors per, for up to 125 persons Monday through Friday and 300 persons Saturday and Sunday, and a weekly maximum of 1,100 persons per week. Visitation hours will be modified from the existing hours of 8:00 AM to 4:30 PM to 10:00 AM to 6:00 PM;
 - (d) modify the existing approved Marketing Plan that allows to allow for a total of three monthly events for up to 25 persons to add 52 weekly events for up to 20 persons, 12 monthly events to allow up to 150 persons (the winery would be closed to visitation on days when 150-person marketing events are scheduled during the day time), four quarterly events to allow up to 500 persons (the winery would be closed to visitation on days when 500-person marketing events are scheduled), and participation in Auction Napa Valley;
 - (e) upgrade the existing water system and wastewater treatment and disposal systems;
 - (f) installation of four new water tanks totaling 35,000 gallons for fire suppression the improved domestic water supply system; and
 - (g) increase of full time employees from four previously permitted to the existing 30 full-time employees and five part-time employees; and
 - (h) the addition of 30 parking spaces for a total of 68 spaces.

The project also includes an Exception to the Napa County Road and Streets Standards Exception request to the Public Works Director to allow for an exception to install a left turn lane on Conn Creek Road. The project will instead incorporate shoulder widening along Conn Creek Road, and use of the driveway along Rutherford Road for employee access. Pursuant to the Napa County Road and Street Standards the approval authority for this exception is the Public Works Director based on the exception being located within a public right of way. That request was tentatively approved by the Public Works Department, as stated in their memo dated October 12, 2015. Formal action will be taken by the Public Works Director after the Planning Commission makes a decision on the Use Permit Modification application as a whole.

There are no changes to the gallons of wine produced as part of this proposal.

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

The parcel is located on the Napa County valley floor on the west side of Conn Creek Road between Silverado Trail and Rutherford Road. The winery site is 38.92 acres in size and relatively flat. Based on Napa County environmental resource mapping soil types layer, and the Soil Survey of Napa County, California (G. Lambert and J. Kashiwagi, Soil Conservation Service), the subject property includes two soils classified as Cortina very gravelly loam (0-5% slopes) and Pleasanton loam (0-2% slope). Use

of these soil types is typically vineyards. Runoff is slow and there is little or no hazard of erosion. The winery is approximately one-third of a mile west of Conn Creek and 0.75 mile from the Napa River. No streams or surface water ponds exist on the property.

The existing development of the site consists of a 240,000 gallon/year winery facility comprised of five production and/or hospitality buildings, approximately 38 parking spaces, both paved and unpaved access roads, 32 acres of existing vineyard, and two acres of existing orchard. Surrounding land uses include existing vineyard, winery and rural residential development. The nearest off-site residence is located across the site's northern boundary, and approximately 2,700 feet from the existing winery. Surrounding land uses are primarily vineyards, wineries, and residences.

The parcel is zoned Agricultural Preserve (AP), which allows wineries and uses accessory to wineries subject to use permit approval. Under General Plan Policy AG/LU-21, lands zoned AP are areas on the county "in which agriculture is and should continue to be the predominant land use." Agricultural activities, such as wineries, are the predominate uses consistent with the AP zoning. The following agricultural activities are located near the project: Martin Estate, Round Pond Estate, Caymus Vineyards, and Honig Vineyard and Winery.

The parcel is on Conn Creek Road, which is a portion of State Route (SR) 128. SR 128 is a rural, two-lane conventional highway that passes through primarily agricultural areas in Napa County.

Based on Napa County Environmental Resource mapping's Natural Diversity Database layer and Napa County baseline data reports, no special plants, birds nor animals were found at this site.

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

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

Responsible (R) and Trustee (T) Agencies

CalTrans.

Other Agencies Contacted

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.

Shaveta Sharma, Planner III
Napa County Planning, Building, and Environmental Services

Date _____

	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?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

- a. This proposed project involves construction a 3,047 square foot agricultural processing facility, including a 625 square foot tasting room, and attached 845 square foot porch at an existing operational winery. The construction will take place near existing development on the property and will occur in an area previously disturbed by an existing 2,290 square foot modular building that will be removed as part of this project ~~to be removed~~. While the new building will be approximately 1,591 square feet larger, the impact on views would be less than significant, since the building would still be shielded from view on Conn Creek Road by three pre-existing buildings that are all two stories or greater. Conn Creek Road is a designated "Scenic Highway" listed in the Community Character Element of the Napa County General Plan. The new building facility is predominantly screened from Conn Creek Road by existing buildings located to the east and south of the proposed agricultural processing facility such that ~~The project will not create any new or greater impacts to a scenic vista, the newly constructed building will replace an existing modular building is significant development on the parcel to the east and south of the proposed new agricultural processing facility. These three pre-existing buildings would effectively shield the new construction from view from~~ the roadway. Due the location of the proposed building in a similar footprint of the existing modular building to be replaced, there is a less than significant impact to a scenic vista.
- b. This project does not involve the conversion of a scenic resource. The project is not subject to Napa County Zoning Ordinance, Chapter 18.106 (Viewshed Protection Ordinance) as it was determined the new structures would not be visible from the road due to existing facilities that would shield the new structure from the road. The project's exception to a left turn land will prevent the removal two heritage Oak trees across from the project site. Additionally, there are no rock outcroppings of historic sites nearby that would be impacted from the project, therefore the impact would be less than significant.
- c. The proposed project includes construction of one new structure of high architectural design; this high level of design conforms to GP policy AG/LU-10, which requires asks wineries to be designed to convey their "permanence and attractiveness." The four water

tanks to be installed will be surrounded by landscaping and are over 700 feet from Rutherford Road, limiting their visibility from the roadway. The site is already developed with numerous structures that will surround the new structure along the east and south facing Conn Creek Road, and consequently will not degrade the exiting character of the site and its surroundings.

- d. The newly proposed agricultural processing facility structure and marketing events may result in a minor increase in night-time lighting due to some additional exterior lighting on the building. In accordance with County standards, all exterior lighting will be the minimum necessary for the operational and security needs. Light fixtures will be kept as low to the ground as possible and include shields to deflect the light downward and kept on-site so that surrounding properties are not reflected. Avoidance of highly reflective surfaces will be required, as well as standard County conditions to prevent light from being cast skyward. As designed, and as subject to standard conditions of approval, the project would not have a significant impact from light or glare.

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations, shall be on timers, 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, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement. Prior to issuance of any building permit for construction of the winery, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with California Building Code.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES. ¹ 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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	☐	☐	☐	☒

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

a/b/e. The proposed project supports the agricultural use of the property, contributes to agricultural diversity in the county and will not convert any Farmland to a non-agriculture use. The proposed project would continue with agricultural uses, and will not conflict with any agriculture use. The winery uses the grapes from the vineyard in its production of wine. The proposed project would not remove any of the 32 acre vineyards or the two acre orchard. The property currently contains a variety of fruit trees in an orchard adjacent to the proposed agricultural processing facility that will not be disturbed by the proposed construction. The project site is zoned as Agricultural Preserve (AP). The project site is designated Prime Farmland and would not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance as shown on the Napa County Important Farmland Map 2002 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The proposed project would not conflict with existing zoning for agricultural uses and is consistent with the General Plan. General Plan Agricultural Preservation and Land Use policies AG/LU-1, ~~and~~ AG/LU-2 and AG/LU-19 recognize as agriculture as the primary land use in Napa County. The proposed agricultural processing facility helps to further promote agricultural activities on the property. The property has a County Agricultural Contract dating back to 1969; no aspect of this proposal would conflict with the adopted contract. The winery would facilitate production of the grapes from on the property and adjacent parcels owned by the applicant. Additionally, the proposed new construction will take place on previously disturbed areas that are already used for winery activities. ~~No vineyard or orchard would need to be removed for any aspect of the project proposal.~~

c/d. The project site is zoned Agricultural Preserve (AP), which allows agricultural processing facilities upon grant of a use permit and modifications to previously approved use permits. According to the Napa County Environmental resource maps (based on the following layers – Sensitive Biotic Oak Woodlands, Riparian Woodland Forest and Coniferous Forest) the project site does not contain Coniferous Forest- Ponderosa Pine and Douglas Fir species. Therefore, the proposed project will not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production.

Mitigation Measure(s): None.

	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?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable dust or odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion:

a-e. On June 2, 2010, the Bay Area Air Quality Management District's Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act (CEQA). The thresholds were designed to establish the level at which the District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on the Air District's website and included in the Air District's May 2011 updated CEQA Guidelines.

On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the thresholds. On August 12, 2013, the Court of Appeal reinstated the District's thresholds of significance provided in Table 3-1 (Criteria Air Pollutants & Precursors Screening Levels Sizes) and the therefore, they are applicable for evaluating projects in Napa County.

Over the long term, emission sources for the proposed project will consist primarily of mobile sources including vehicles visiting the site. The Air District's threshold of significance provided in Table 3-1 has determined that similar projects such as a quality restaurant that do not exceed a threshold of 47 ksf will not significantly impact air quality and do not require further study (BAAQMD CEQA Guidelines, May 2011 Pages 3-2 & 3-3.). Given that the existing winery operations already include a significant percentage of the proposed visitation and some marketing activities (CEQA baseline) and the scope of the project's operations compared to the BAAQMD's screening criterion of 47ksf NOX (high quality restaurant) and 541ksf (general light industry), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.)

The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Wineries typically 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. ~~Grading and construction activities may cause a temporary degradation of air quality from dust and heavy equipment during the construction phase of the proposed project.~~ As part of the Conditions of Approval the applicant is required to comply with all BAAQMD guidelines for construction activities.

~~The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Wineries as proposed here 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

resulting busiest day plus marketing total of 237 two-way trips is well below the threshold of significance, compared to the BAAQMD's screening criterion of 47ksf NOX (high quality restaurant) and 541ksf (general light industry). 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.

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

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

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

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

While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. 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. As noted earlier the closest off-site residence is 2,700 feet away from the proposed winery.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion:

- a. According to Napa County Environmental Resource Maps (Watershed layer), the project site is not located in any designated habitat areas of any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The only proposed development, including the parking lot and water tanks, is located within previously disturbed areas on the site, and in the vicinity of the project site, including the contruction work required to widen the shoulder. This project would ~~result in less than significant~~ have no impacts on any special-status species.
- b. There are no existing creek-crossings on the site. No encroachments or construction is proposed as part of this project that would have impacts on designated riparian habitats or other sensitive natural communities. Therefore the impact of this project is less than significant.
- c. Napa County Environmental Sensitivity Maps and the Baseline Data Report (Chapter 15. Surface Water Hydrology, Map 15-6, Land Cover) do not indicate the presence of any wetlands or potential wetlands within the project boundary. The project would not ~~result in substantial impacts to~~ federally protected or potentially sensitive wetlands and would occur in a previously disturbed area.

- d. The project will take place on an already-disturbed winery site and would not interfere 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. No trees, native or ornamental, are proposed to be removed as part of this project.
- e. The project will primarily take place on an already-disturbed winery site which would not conflict with any local policies or ordinances protecting biological resources.
- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans. There are no plans applicable to the subject parcel.

Mitigation Measure(s): None.

	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?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion:

a-c. According to Napa County Environmental Sensitivity Maps (Archaeological Resources Layer, historical site, points & lines), no known historically sensitive sites or structures, archaeological or paleontological resources, sites or unique geological features have been identified within the project site or on any contiguous parcel. There is no information in the record that would indicate that there is a potential for occurrence. In the event archaeological artifacts are encountered on the project site a qualified archaeologist will be retained by the applicant to record and evaluate the resources. This is considered a less-than-significant impact because the project site has been previously developed and all proposed construction will take place within these areas. However, in the case of encountering any remains a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval:

"In the event that archeological artifacts or human remains are discovered during any subsequent construction in the project area, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee 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 human remains have been encountered on the property and no information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during improvements for the new buildings, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard condition of approval noted above.

Mitigation Measure(s): None.

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

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 project 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 project 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.

- 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 California Building Code for seismic stability would result in less than significant impacts.
 - iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there are no landslide deposits in the proposed development area.
- b. Based on Napa County environmental resource mapping soil types layer, and the Soil Survey of Napa County, California (G. Lambert and J. Kashiwagi, Soil Conservation Service), the subject property includes two soils classified as Cortina Very Gravelly Loam (0-5% slopes) and Pleasanton Loam (0-2% slope). Runoff is slow and there is little or no hazard of erosion. The project is required to submit a site development plan, including implementation of storm water and erosion control Best Management Practices under the standards developed in the County's National Pollutant Discharge Elimination System, Phase II Stormwater Permit, which is required by County Code and is a standard practice on all County development projects. Therefore, the potential for impacts is considered less than significant.
- c/d. According to preliminary geologic mapping of the St. Helena Quadrangle performed by the California Geologic Survey (CGS-2004), the property is underlain by Pre-Quaternary deposits and bedrock and the majority of the site is underlain by undifferentiated Holocene Fan deposits. Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the project site has a low susceptibility for liquefaction on the southern half of the property and a medium susceptibility for liquefaction on the northern portion of the parcel. 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 the maximum extent possible.
- e. The site's wastewater system expansion is ~~proposed as part of the project to serve~~ designed to ~~accommodate~~ accommodate the winery, ~~the proposed agricultural processing facility, and the increase in both visitors, and employees.~~ As a result, there will be minimal earth disturbance and grading both for the winery construction and the shoulder widening; additionally the area to be disturbed has been previously disturbed for the original wastewater system and vineyard farming operations. The system will be designed by a licensed engineer and will be reviewed and approved by the Division of Environmental Health. There does not appear to be any limitation on this parcel's ability to support an on-site water system which will be able to support the proposed project.

Mitigation Measure(s): None.

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

Discussion:

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

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO₂e)]. This threshold of significance is appropriate for evaluating projects in Napa County.

During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy **CON-65(e)**. (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.)

The applicant has incorporated some measures (generation of 80% of its electricity on-site via existing solar panels, bicycle incentives, installed water efficient fixtures, water efficient landscape, recycling 75% of all waste, compost 75% of all food and garden materials, planting of shade trees on the south elevation, operate a "Napa Green Winery," Certified as "Napa Green Land," use of recycled materials, local food production, education of staff and visitors, use of 70-80% cover crop, retention of bio-mass via pruning and chipping) and will incorporate additional GHG reduction methods including: living roof or cool roof, and limiting the amount of grading.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO₂e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions below BAAQMD thresholds.

The increase in emissions expected as a result of the project will be relatively modest and the project is in compliance with the County's efforts to reduce emissions as described above. For these reasons, project impacts related to GHG emissions are considered less than significant.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	☐	☐	☐	☒

Discussion:

- a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used for winery operations and orchard fruit processing. A Business Plan will be filed with the Environmental Health Division should hazardous materials reach reportable levels.
- b. The project would not result in the release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile from the proposed project site.
- d. The proposed site is not on any known list of hazardous materials sites.
- e. The project site is not located within an airport land use plan area or within two miles of any public airport or public use airport.
- f. The project site is not located within the vicinity of any private airports.
- g. The access driveway that serves the project meets Napa County Road and Street Standards. Due to existing environmental constraints, namely an existing 56" diameter oak tree, the applicant is requesting an exception to the Napa County Road and Streets Standards. In order to achieve the same level of safety, the applicant will instead widen the shoulder across from the winery site. This measure will ensure that access to the site is not hindered. Therefore, the operational changes to the winery and addition of orchard fruit processing will not negatively impact or hinder emergency vehicle access. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable as conditioned.

- h. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The project already complies and will continue to comply with current California Department of Forestry and California Building Code requirements for fire safety.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Discussion:

On January 14, 2014 Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed up on April 1, 2015 when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent. These water restrictions do not apply to agricultural users. At this time the ~~County of Napa County~~ has not adopted or implemented any additional mandatory water use restrictions. The County requires all Use Permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project. On June 28, 2011 the Board of Supervisors approved creation of a Groundwater Resources Advisory Committee (GRAC). ~~The GRAC's purpose was~~ to assist County staff and technical consultants with recommendations regarding groundwater, including data collection, monitoring, and well pump test protocols, management objectives, and community support. The County completed a county-wide assessment of groundwater resources (Napa County Groundwater Conditions and Groundwater Monitoring Recommendations Report (Feb. 2011)) and developed a groundwater monitoring program (Napa County Groundwater Monitoring Plan 2013 (Jan. 2013)). The County also completed a 2013 Updated Hydrogeologic Conceptualization and Characterization of Groundwater Conditions (Jan. 2013).

In general, recent studies have found that groundwater levels in the Napa Valley Floor exhibit stable long-term trends with a shallow depth to water. Historical trends in the Milliken-Sarco-Tulucay (MST) area, however, have shown increasing depths to groundwater, but recent stabilization in many locations. Groundwater availability, recharge, storage and yield is not consistent across the County. More is known about the resource where historical data have been collected. Less is known in areas with limited data or unknown geology. In order to fill existing data gaps and to provide a better understand of groundwater resources in the County, the Napa County Groundwater Monitoring Plan recommended 18 Areas of Interest (AOIs) for additional groundwater level and water quality monitoring. Through the well owner and public outreach efforts of the ~~(GRAC)~~ approximately 40 new wells have been added to the monitoring program within these areas. Groundwater Sustainability Objectives were developed and recommended by the GRAC and adopted by the Board. The recommendations included the goal of developing sustainability objectives, ~~provided a definition~~, explained the shared responsibility for Groundwater Sustainability and the important role monitoring as a means to achieving groundwater sustainability.

In 2009 Napa County began a comprehensive study of its groundwater resources to meet identified action items in the County's 2008 General Plan update. The study, by Luhdorff and Scalmanini Consulting Engineers (LSCE), emphasized developing a sound understanding of groundwater conditions and implementing an expanded groundwater monitoring and data management program as a foundation for integrated water resources planning and dissemination of water resources information. The 2011 baseline study by LSCE, which included over 600 wells and data going back over 50 years, concluded that "the groundwater levels in Napa County are stable, except for portions of the MST district". Most wells elsewhere within the Napa Valley floor with a sufficient record indicate that groundwater levels are more affected by climatic conditions, are within historical levels, and seem to recover from dry periods during subsequent wet or normal periods. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals) and in the Carneros region (mostly salinity). The subject property is located within central part of Napa Valley on the valley floor where monitoring wells evaluated in the LSCE report indicated no record of declining groundwater supplies. The County has no record of problems or complaints of diminished groundwater supplies at the project site or in the general vicinity.

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 and LSCE. 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 on the valley floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year. The Allowable Water Allotment for the subject property is 38.92 acre-feet per year (af/yr), determined by multiplying its 38.92 acre site by a one af/yr/acre fair share water use factor.

- a-b. The project is not expected to violate any water quality standards or waste discharge requirements nor substantially deplete local groundwater supplies. The applicant submitted a Wastewater Feasibility Report (*Applied Civil Engineering, Inc.*, dated January 28, 2014) with the application. The report concludes that the proposed increases in sanitary flows can be accommodated by either expanding the existing dispersal field or installing a new dispersal field and increasing septic tank capacity. The proposed additional 0.193 af/yr sanitary flows are still within the eCounty guidelines for detention times in holding tanks.

The existing groundwater well is sufficient to serve the existing and proposed use. The yield is estimated at 150 gpm and the required yield to meet the maximum daily demand was calculated to be approximately 31 gpm, based upon Non-Transient Non-Community Water Sytem Feasibility Assessment prepared by Applied Civil Engineering, dated January 28, 2014 . The water system is currently permitted as a Transient Non-Community water system and will be reclassified to a Non-Transient Non-Community water system (a water system to serve the employees, and visitors to the winery) due to the increase in the permitted number of visitationemployees. Once a winery has more than 24 full-time employees, a reclassification is needed per Environmental Health regulations. Additional water storage will be provided to meet the requirements of a Non-Transient Non-Community water system. The existing winery operations already include a significant percentage of the proposed visitation and some marketing activities (CEQA baseline), as a result ~~(The additional marketing events as~~ proposed as part of this project would only increase water use by 0.1% and its impact is negligible. Peak (weekday) tasting visitation will continue to be a maximum of 125 visitors Monday through Friday with a maximum of 300 visitors Saturday through Sunday. According to the *Water Availability Analysis* dated January 28, 2014 the existing well produces a flow rate of 150 gallons per minute, which is capable producing the peak daily demand of 8,800 gpd in a period of 59 minutes. The report concludes that the proposed increase in use of the siteproject is not expected to affect the ability for the existing public water system to meet the demands of the site.

A Water Availability Analysis was prepared for the project by *Applied Civil Engineering, Inc.*, dated January 28, 2014. The threshold for this valley floor parcel is 38.92 af/yr, which is calculated by applying a rate of 1.0 af/yr multiplied by the acreage of the site. As noted above, the findings of the Napa Valley Groundwater Monitoring Plan confirmed that the 1.0 af/yr valley floor threshold has proven to be a sustainable limit for groundwater resources. In addition to the winery's efficient use of water (including water efficient fixtures, water efficient landscape, and use of 70-80% cover crop), all the vineyards on the property are dry farmed (without irrigation). A water analysis submitted April 7, 2015 indicates the total water demand on the parcel from the existing winery and associated improvements is 15.93 af/yr. -This water analysis which was based on very conservative estimates regarding the project's baseline use already occurring as part of ongoing winery operations (see existing water use descriptors below). -As a result of the proposed project, there will be a moderate increase in water use from the proposed Marketing events. A detailed analysis of the increase from 15.93 to 16.05 af/yr is below:

NOTE: The existing 32 acres of vineyard are dry farmed.

	Estimated Water Use (Acre- Feet / Year)	
	Existing ²	Proposed
Based on Napa County Phase 1 Water Availability Analysis Guidelines (Primary Residential Water Use (currently unoccupied and proposed to be removed)	0.00	0.00
Winery Domestic & Process Water Use		
Winery - Daily Visitors	0.39	0.42
Based on 116 (E) & 125 (P) visitors / day average @ 3 gallons per visitor ⁽¹⁾		
Winery - Events with Meals Prepared Onsite	0.00	0.05
Based on 52 events @ 20 people @ 15 gallons per guest ⁽²⁾		
Winery - Events with Catered Meals	0.02 ²⁴	0.07
Based on 36 events @ 25 people (E) & (P), 0 (E) &		

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² Water Availability Analysis originally assumed a larger number of ongoing marketing events in its calculation of existing water use under Winery Events with Catered Meals. Based on information provided by the applicant and as described above under Existing Winery Operations on pages 1 and 2 of this Initial Study the existing water use for this line item was reduced from .04 to .024, which resulted in an increase in proposed water use of .016 for a total increase of 0.136 AF/YR versus the total increase of 0.12 AF/YR stated in the Water Availability Analysis.

12 (P) events @ 150 people and 3 (E) & 4 (P) events w/ 11 500 people (3) @ 5		
Winery - Employees	0.35	0.35
Based on 35 (<u>Existing</u>) existing and 35 (<u>Proposed</u>) employees		
Winery - Process	5.16	5.16
Based on 7 gallons of water per gallon of wine ⁽⁴⁾		
Total Winery Water Use	5.93	6.05
Ag Processing Center Water Use		
Process Water Use	0.00	0.004
Based on 250 batches x 5 gallons per batches		
Irrigation Water Use		
Landscape & Other Agriculture	102.00	102.00
Estimated for 2.5 acres of high water use landscaping and orchards Orchards (conservative)	8.00	8.00
Total Irrigation Water Use	10.00	10.00
Total Combined Water Use	15.9143	16.05

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- (1) 3 gallons of water per visitor is based on project wastewater disposal feasibility report by Applied Civil Engineering.
(2) 15 gallons of water per guest is based on project wastewater disposal feasibility report by Applied Civil Engineering.
(3) 5 gallons of water per guest is based on project wastewater disposal feasibility report by Applied Civil Engineering.
(4) Napa County Phase 1 Water Availability Analysis Guidelines estimate 7 gallons of water per gallon of wine produced.

The estimated water demand of 16.05 af/yr, representing an increase of ~~0.1362~~ af/yr over the existing condition, is less than half the 38.92 af/yr threshold established for the parcel. Under past approvals for the winery, the property is already subject to the County's standard condition of approval requiring well monitoring as well as the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use. The project will also be conditioned to monitor groundwater pumping to ensure the allocation designated for winery and agricultural processing use does not exceed the amount indicated above.

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In response to regional drought and the general Statewide need to protect groundwater resources, the Governor enacted new legislation requiring local governments to monitor and management groundwater resources. Napa County's prior work on the Napa Valley Groundwater Management Plan provides a strong foundation for Napa County to comply with this State mandated monitoring and management objective. As a direct result, the project site is now subject to this new legislation requiring local agencies to monitor groundwater use. Assembly Bill - AB 1739 by Assembly member Roger Dickinson (D-Sacramento) and Senate Bills 1168 and 1319 by Senator Fran Pavley (D-Agoura Hills) establish a framework for sustainable, local groundwater management for the first time in California history. The legislation requires local agencies to tailor sustainable groundwater plans to their regional economic and environmental needs. The legislation prioritizes groundwater basin management Statewide, which includes the Napa Valley/Napa River Drainage Basin, and sets a timeline for implementation of the following:

- By 2017, local groundwater management agencies must be identified;
- By 2020, overdrafted groundwater basins must have sustainability plans;
- By 2022, other high and medium priority basins not currently in overdraft must have sustainability plans; and
- By 2040, all high and medium priority groundwater basins must achieve sustainability.

The State has classified the Napa River Drainage Basin as a medium priority resource. Additionally, the legislation provides measurable objectives and milestones to reach sustainability and a State role of limited intervention when local agencies are unable or unwilling to adopt sustainable management plans. Napa County supports this legislation and has begun the process of developing a local groundwater management agency which is anticipated to be in place and functioning within the timeline prescribed by the State.

The proposed project will not result in a substantial increase in demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level. According to Napa County environmental resource mapping (*Water Deficient Areas/Storage Areas*), the project site is not located within a water deficient area and the County is not aware of, nor has it received any reports of groundwater deficiencies in the area. The increase of 0.1362 af/yr or 44,316,39,192 gallons of annual groundwater use resulting from the project would be significantly less than the amount of groundwater used by a single-family residence which is approximately 0.75 af/yr or 244, 381 gallons.

- c-d. The project will not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the cultivated agricultural vineyard site.
- e. The project has been reviewed and recommended for approved by the Engineering Division and along with the conditions of approval the project will not negatively affect any nearby creeks, the nearest of which is Conn Creek at approximately 0.3 miles away.
- f. There are no other factors in this project that would otherwise degrade water quality.
- g- h. No portion of the project site is located within the FEMA-designated 100-year floodplain and thus none will be located within the designated floodplain zone.
- i-j. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. Potential for tsunami is considered less-than-significant due to the distance of the project site is approximately 38 miles inland of the Pacific Ocean coast and the shores of the San Pablo Bay where risk of inundation by seiche, tsunami, or mudflows tends to greatest.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion:

- a. – c. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AP (Agricultural Preserve) zoning districts, which allow wineries, agricultural processing facilities, 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 Agricultural Resource (AR), which allow "agriculture, processing of agricultural

products, and single-family dwellings.” More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognize 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 a policy, General Plan~~ Agricultural Preservation and Land Use Policy AG/LU-10, requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

a-b. The project will result in a temporary increase in noise levels during the brief demolition and construction activities. Construction activities will be limited to daylight hours, only between 7 a.m. and 7:00 p.m. and will utilize using properly muffled vehicles. Noise generated during demolition and construction this time is not anticipated to be less than significant. While the large (>150 person events) take place primarily within the buildings, some localized temporary increase in ambient noise may occur during these events. The applicant has indicated that one of the proposed 500-person events has been occurring at the site under the authority of a Temporary Events License and has not resulted in any unacceptable increase in noise levels or any complaints. Given the proximity to the neighbors, the closest neighbor of which is located east of the property and across Conn Creek Road and approximately 635 feet away and the second closest approximately 1099 feet away. In addition to the distance between the project and the existing residences and prohibition on outdoor amplified music, the existing structures, prohibition on outdoor amplified music, trees, and vineyards will shield these neighbors from any temporary increase in noise from temporary marketing and construction activities. Further all nighttime events are required to conclude by 10:00 p.m. In addition, State Highway 128 is located in the project vicinity contributing to the existing baseline for ambient noise thereby also reducing any potential for temporary increases in noise to be significant.

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 EIR was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed. Section 15183 also provides that an effect of a project on the environment shall not be considered peculiar to the project if uniformly applied development standards have been previously adopted by the county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects.

The EIR for the General Plan update analyzed new significant noise generated from the continued development associated with existing or new agricultural, industrial and commercial land uses. (See General Plan FEIR, p. 2.0-23; DEIR, p. 4.7-35.) Based on the analysis contained in the DEIR and FEIR and the administrative record, the Napa County Board of Supervisors adopted a policy that "project generated non-transportation noise source impacts would be less than significant

[due to the] continued implementation of the County's Right to Farm Ordinance (for agricultural uses) and Noise Ordinance (for industrial, commercial, and winery uses)." Thus, new and existing agricultural development substantially mitigates noise impacts by complying with the County's relevant noise standards. (Resolution 08-86, § 8, G; see General Plan DEIR, p. 4.7-35; FEIR, p. 2.0-23.)

In addition to the site specific circumstances that serve to mitigate any potential impacts discussed above, all construction and occasional marketing activities will be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). Marketing events have occurred at the existing winery since its operations commenced in 1996. According to the review of County records dating back to that time no noise complaints have been filed against the winery in the past 20 years. While the proposed increase in events will allow for more events to occur, the noise generated from these events would not increase. Based on the record of existing operations it not expected that the proposed project will not result in long-term significant construction or marketing event noise impacts. Conditions of approval would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. Further, marketing events would also be required to be concluded by 10:00 p.m. The project site is located in a rural area of the county. The project area is comprised of large parcels and very low residential density. Several wineries each of which conducts marketing events similar to the applicant and State Highway 128 are also located in the area. Due to large parcels sizes and the very low residential density, the number of persons potentially affected by either temporary construction noise or the occasional nighttime marketing event is very low. In addition, existing structures will shield the closest residences from potential noise from construction and marketing events. Properties to the west of the project site are not shielded by existing buildings and would potentially be most likely to be affected by either temporary construction or the additional marketing events. Staff has not received any complaints from nearby neighbors about the existing baseline event noise. A letter supporting the project has been received from the property owners of parcels to the west of the project site.

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The operation and development of the project is covered under the County's Right to Farm Ordinance. Specifically, Napa County Code Section 8.16.090 provides an exemption to noise regulations, which are applicable to operation of the project's agricultural activities. Wineries are not included in Section 18.16.090, but the construction and operation of the agricultural processing facility does fall under the Right to Farm Ordinance.

In summary, the project will result in a less than significant impact on ambient noise levels in the project area. (See discussion c-d below for additional relevant information.)

c-d. In addition to the discussion of site specific circumstances below, because this initial study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed (See CEQA Guidelines Section 15183). The project is consistent with the County's General Plan as the amount of winery and other development within the County is either at or below the General Plan's growth projections. (See General Plan FEIR, p. 2.0-9.) Section 15183 also provides that an effect of a project on the environment shall not be considered peculiar to the project if uniformly applied development standards have been previously adopted by the county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects.

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The EIR for the General Plan analyzed new significant noise generated from the continued development associated with existing or new agricultural, industrial and commercial land uses. (See General Plan FEIR, p. 2.0-23; DEIR, p. 4.7-35.) Based on the analysis contained in the DEIR and FEIR and the administrative record, the Napa County Board of Supervisors adopted a policy that "project generated non-transportation noise source impacts would be less than significant [due to the] continued implementation of the County's Right to Farm Ordinance (for agricultural uses) and Noise Ordinance (for industrial, commercial, and winery uses)." Thus, new and existing agricultural development substantially mitigates noise impacts by complying with the County's relevant noise standards. (Resolution 08-86, § 8, G; see General Plan DEIR, p. 4.7-35; FEIR, p. 2.0-23.)

The County General Plan DEIR also studied traffic-related noise along County roadways with projected increases in traffic volumes, the Board of Supervisors made a specific finding that, even with the implementation of feasible mitigation measures, the increase of traffic-related noise was a significant and unavoidable impact. The Board found "that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweighed this significant impact" and

approved a Statement of Overriding Considerations. [Napa County Board of Supervisors Resolution 08-86 (Jun. 3, 2008), § 8, C.] Based on the study of these noise impacts and the Project being consistent with the General Plan, CEQA does not require any additional analysis outside of project-specific noise impacts and as discussed above, these project specific impacts can rely on the County's Noise and Right to Farm Ordinances as a basis for mitigating noise impacts.

Noise from winery and agricultural processing operations is generally limited; however, the proposed marketing plan could create additional noise impacts. The existing marketing plan allows for three monthly events for up to 25 persons, however, actual marketing events have totaled 189 but with an average of 887 persons per event. This application requests the addition of 52 weekly events for up to 20 persons, 12 monthly events to allow for 150 persons (the winery would be closed to visitation on days with 150-person marketing events scheduled during the day time), four quarterly events for up to 500 persons (the winery would be closed to visitation on days with 500-person marketing events), and participation in Auction Napa Valley. While these events are being asked for formal approval, the 189 marketing events have been taking place since 2012 and include a once a year temporary event that hosts 450 people. During this timeframe, or at any time since the winery became operational, there have been no noise complaints received by PBES regarding any activities at the winery, either operational or with respect to hospitality functions. The Napa County 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 sparsely developed, with a scattering of homes located in the immediate vicinity of and directly adjacent to the site with the nearest residences located approximately 635 feet to the north and State Highway 128 contributing to the ambient noise baseline. Existing winery structures shield the closest residences from potential noise from either construction or marketing events. Equipment used in the demolition and construction activities could include backhoes and heavy duty trucks, which might generate short-term, construction-related noise. As limited by Napa County Code (Section 8.16.080.B.2), construction efforts would be prohibited between the hours of 7:00 p.m. and 7:00 a.m. in order to preserve the ambient noise environment during the more sensitive evening and nighttime hours. Daytime noise impacts related to on-site installation of the new tank would be considered less than significant due to their short term nature.

Marketing activities will primarily occur inside, which will significantly muffle sound. The limited amount of activities occurring outside will be in between three pre-existing buildings (the Administrative Building, the Red Barn, and the Barrel Chais) that are at or above two stories in height and in a horseshoe configuration. The pre-existing buildings will serve as a noise buffer to the nearest residences due to their size and placement. Furthermore, existing large marketing events are currently occurring at the property and are part of the baseline and have generated no noise related issues or complaints. The existing winery building is set approximately 635 feet from the nearest residence; this distance between the winery facility and the closest residential structure would also serve to dissipate noise between the project site and the closest sensitive receptor in addition to the surrounding buildings and other buffers including an orchard area and other natural tree plantings. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, would ensure that marketing events and other winery activities do not create a significant noise impact. Events and music are required to finish by 10 p.m. every evening. Noise generated from the marketing and tours and tastings is not anticipated to be significant. The proposed project will not result in long-term significant construction noise impacts, due to the relatively modest construction being proposed and the surrounding buildings that will serve as an acoustic buffer. (See discussion a-b above for additional relevant information.)

- e-f. The project site is not located within an airport land use plan or within two miles of a public airport or within the vicinity of a private airstrip.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. 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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion:

- a. – c. The project will not displace any housing or divide any established communities. There is no increase in overall employment by the winery over existing conditions. 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 existing employee positions which are part of this project will most likely 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.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance will be less than significant.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. 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?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

Discussion:

- a. Public services are currently provided to the project area and 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 these conditions of approval. The Fire Department and Engineering Services Division 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 and other agricultural products 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion:

- a-b. The project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. 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)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
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?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion:

- a-b. Frog's Leap Winery is located at 8815 Conn Creek Road (State Route 128) on the west side of the roadway between Rutherford Road (SR-128) and Silverado Trail. Conn Creek Road (via Rutherford Road) serves as one of connector roadways extending between State Route 29 and Silverado Trail in the Napa Valley. A brief description of each roadway follows:

Conn Creek Road extends in a southerly direction from Silverado Trail through Skellenger Lane paralleling Silverado Trail to the west. Providing access to agricultural/vineyard areas, Conn Creek Road is a state highway (State Route 128) between Silverado Trail and Rutherford Road. Conn Creek Road is a rural, two-lane arterial roadway and provides direct access to the Frog's Leap Winery.

Rutherford Road extends for approximately 1.5 miles in an east-west direction between Conn Creek Road and State Route 29. Located south of the project site, Rutherford Road is also designated as State Route 128 and is rural, two-lane arterial roadway.

Silverado Trail extends in a northwest-southeast direction between St. Helena and Napa in the project study area. Located east of the project site, Silverado Trail functions as a two-lane rural highway and has two 12-foot travel lanes with 8-10 foot shoulders (striped each side) at its intersection with Conn Creek Road. The speed limit on Silverado Trail is 55 mph. Napa County defines Silverado Trail as a two-lane, rural arterial roadway.

The project includes construction of a new processing building as well as the modification of the visitation and marketing programs. The daily visitation will increase from its current levels of 116 persons per day (average) and 812-750 persons per week 50 persons per day and 350 maximum per week, to 125 persons Monday through Friday and 300 persons Saturday and Sunday, for a maximum of 1,100 persons weekly. The marketing plan proposes to modify its existing permitted permit providing for 36 events for 25 persons maximum to add 52 weekly events for up to 20 persons, 12 monthly events for up to 150 persons (the winery would be closed to visitation on days with 150-person events scheduled during the day time), four quarterly events for up to 500 persons (the winery would be closed to visitation on days with 500-person events scheduled), and participation in the Auction Napa Valley. The applicant has requested and received tentative approval from the Department of Public Works for an exception to the requirement to install a left turn lane at the project driveway intersection on Conn Creek Road. Detailed traffic studies have been conducted for the project. The traffic study evaluated the potential impacts on the affected roadways and intersections based on the operations currently existing at the winery, not at the level authorized by the 2012 permit modification.

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

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

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

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

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

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

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

The applicant has submitted a traffic study prepared by *Omni Means Engineering Solutions* and dated December 15, 2014 and updated in January 2016. According to these studies, peak period vehicle counts were conducted on a weekday late afternoon (4:00-6:00 p.m.) and Saturday afternoon (1:00-4:00 p.m.). The resultant "peak hour" of traffic flow on Conn Creek Road occurs during 4:00-5:00 p.m. (Wednesday) and 1:15-2:15 p.m. (Saturday). Based on the Highway Capacity Manual (*HCM 2000*) operations methodology for unsignalized intersections, existing weekday PM peak and weekend mid-day peak hour existing (no project and near-term) level-of-service has been shown as LOS A at the winery's driveway and Conn Creek Road, LOS E at Silverado Trail/Conn Creek Road, and LOS B at Rutherford Road/Conn Creek Road. The applicant has also submitted a technical memorandum dated October 8, 2015 that requests an exception from the requirement to install a left turn lane. That request was ill be reviewed and tentatively approved by the Public Works Department, as stated in their memo dated October 12, 2015. In endorsing approving the use of the exception, the Public Works Department requested that the applicant will be required to instead incorporate widening the shoulder by six feet along Conn Creek Road for approximately 280 feet, and use of the driveway along Rutherford Road for employee access. The Napa County Road and Street Standards warrant for a left-turn lane is not based on actual left-turn volumes or safety issues but rather total daily trip generation. The standard is based on overall daily traffic volumes, even if the project at issue has zero effect on the volume of left-turn trips. Formal action will be taken by the Public Works Director after the Planning Commission makes a decision on the Use Permit application as a whole. Further, pursuant to the California Department of Transportation's standards, no left turn lane is warranted, which has added significance given the fact that the improvements would occur on State Highway 128.

Peak period vehicle counts were conducted on a weekday late afternoon (4:00-6:00 p.m.) and Saturday afternoon (1:00-4:00 p.m.). The resultant "peak hour" of traffic flow on Conn Creek Road occurs during 4:00-5:00 p.m. (Wednesday) and 1:15-2:15 p.m. (Saturday). To account for the highest volumes on Conn Creek Road/Rutherford Road, the traffic engineer increased existing traffic volumes by 9% based on the most recent CalTrans volume data. This is a very conservative approach that represents the highest month of traffic volumes recorded during the year. Under this approach, ultimate employee and visitor/guests to the winery for the proposed project would be expected to generate 202 weekday daily trips with 30 PM peak hour trips. During a typical weekend (Saturday), the project would be expected to generate 255 daily trips with 86 mid-day (afternoon) peak hour trips. During the six-week harvest crush season, the proposed project is expected to generate an average of 287 Saturday daily trips. Based on the largest marketing event attendance of 500 persons (four times per year), there would total generation of 403 event trips.³ The larger marketing events are held outside of typical peak traffic periods (during the middle of the day or after 6:00p.m.) and therefore do not impact peak hour operations. Further no other visitation activities would occur during the 500 personse annual events. The same applies to events held for Auction Napa Valley; however those events host significantly less than 500 people. With existing plus proposed winery traffic volumes, all three project study intersections would continue to operate at the same LOS as under existing (no project) conditions. During the weekday PM peak hour, both the Frog's Leap Driveway/Conn Creek Road and Rutherford Road/Conn Creek Road intersections would operate at LOS A and B, respectively. The Silverado Trail/Conn Creek Road intersection would operate at LOS E. During the weekend mid- day peak hour, the Frog's Leap Driveway/Conn Creek Road and Rutherford Road/Conn Creek Road intersections would continue to operate at LOS A with the Silverado Trail/Conn Creek Road intersection operating at LOS E. Overall vehicle delay (in seconds) would increase slightly as a result of proposed project traffic.

The intersection of Rutherford Road/SR-29 is located over 1.8 miles from the Frog's Leap Winery project driveway. Due to the significant distance from the project, this intersection is outside of the study area. The study area extends one mile in all directions from the project site.

Projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, do not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project. (Pub. Resources Code § 21083.3. and CEQA Guidelines Section 15138) The project is consistent with the County's General Plan as the amount of winery and other development within the County is either at or below the General Plan's growth projections. (See General Plan FEIR, p. 2.0-9.) The General Plan EIR analyzed cumulative traffic impacts related to all development within the County, including winery development. (See General Plan FEIR, p. 2.0-16; General Plan DEIR, p. 4.4-31). Not only did the County GP DEIR study cumulative impacts related to traffic, the Board of Supervisors made a specific finding that, even with the implementation of feasible mitigation measures, there would be a significant cumulative impact on traffic that was and unavoidable. The Board found "that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh[ed] this significant impact" and approved a Statement of Overriding Considerations. (Napa County Board of Supervisors Resolution 08-86 (Jun. 3, 2008), § 8, C.)

While CEQA Guidelines section 15183(c) does not require any additional analysis other than project-specific impacts, the Initial Study and the Omni's traffic studies analyzes both project specific and cumulative traffic impacts concluding that the impacts are less than significant based on existing county thresholds of significance for both project and cumulative impacts. Cumulative (Year 2030) volume projections on Conn Creek Road were derived from the Napa County Transportation & Planning Agency's traffic volume forecasts in the Napa County General Plan Update EIR and adjacent approved/pending winery development identified by the County. In this instance, the applicant's traffic engineer accounted for proposed projects at Frank Family Vineyards and Caymus Vineyards. The Frog's Leap Driveway/Conn Creek Road and Rutherford Road/Conn Creek Road intersections would operate at acceptable levels (LOS D or better) with or without proposed project traffic during the weekday PM and weekend mid-day peak hours. The Silverado Trail/Conn Creek Road intersection would be operating at LOS F with or without proposed project traffic during the same weekday and weekend peak hours. The proposed project would result in an additional 11 vehicle trips or 0.0049% increase in cumulative year 2030 traffic volumes at this location. The intersection currently meets the peak hour signal warrant with existing (no project) volumes. ADT volumes on Conn Creek Road would be in the LOS A-B range at 2,656 vehicles with proposed project traffic. ADT volumes on Silverado Trail would be in the LOS D range at 13,345 vehicles with proposed project traffic. The study also found that impacts of the winery's operations at full capacity with tastings and marketing and concluded that the increases in trips would not pose any significant

³ "It is noted that these project volumes refer to the winery's total contribution to traffic on Conn Creek Road. A portion of these trips are already on the street network and are included in our peak hour count volumes." Omni Means Engineering Solutions and dated December 15, 2014, p. 12.

impacts to either Silverado Trail, Conn Creek Road (State Route 128), or Rutherford Road. The cumulative contribution of the project's traffic to peak trips is less than 1% to the existing traffic volume.

Napa County has also adopted several measures identified in the General Plan to reduce vehicle trips through public transit and Transportation Demand Management (TDM) strategies: "The project will support programs to reduce single occupant vehicle use and encourage alternative travel modes." In keeping with the policy, the winery project will provide bicycle racks for visitors who may arrive by bike. The project shall also promote the use of public transportation and carpooling of employees (by adjusting work schedules, etc.) to facilitate the use of other transportation modes.

- c. No air traffic is proposed and there are no new structures proposed for this project that would interfere with or require alteration of air traffic patterns.
- d-f. Access to the existing winery will be from Conn Creek Road onto the site. The project would result in no significant off-site circulation system operational impacts nor any sight line impacts at the proposed project driveway. As recognized by the Public Works Department, there would be sight line impacts at the proposed project driveway if the project was not requesting an exception without the grant of an exception to the left-turn lane standard. By requesting the exception to the left-turn lane the project applicant has avoided a potential safety impact. However, the Public Works Department has stated that it would approve an exception to a left turn lane for the project after has been decided by the Planning Commission approval. This decision is based on the following factors: sight-distance limitations, involving obstructions on other properties, constraining the ability to construct the improvement by widening to the west; a significant (56" diameter) oak tree would be impacted by widening to the east; the applicant has proposed specific operational characteristics as part of the project scope designed to limit the number of trips turning left into the sight, including directing daily and marketing event visitors to arrive from Silverado Trail, and directing employees to use only the secondary driveway (on SR 128 Rutherford Road) to the site; the applicant has proposed to provide improvement on SR 128 Conn Creek Road in the form of a six-foot wide shoulder along the east side of the road. This widening will provide an area where northbound traffic on Conn Creek Road could carefully bypass a waiting left-turning vehicle, if necessary, while preserving the aforementioned Oak Tree. A condition of approval will be added to the project to ensure that these improvements and operational elements are implemented by the applicant. However, these are not mitigation measures; the Public Works Department is using their discretion as outlined in the Napa County Road and Street Standards.

The project has 38 existing parking spaces on site, with a proposed 30 additional spaces for a total of 68 spaces which would be sufficient to accommodate parking needs during normal business days for employees and visitors. Additional parking will be required for the larger marketing events, the applicant will provide valet and/or shuttle services for larger events with parking along the applicant's vineyard rows and the other suitable areas on the site. The applicant also owns additional adjacent parcels planted with vineyard that These areas would be suitable for parking via a valet system. In the case that shuttle parking is utilized a parking plan will be submitted for review and approval. No parking will be permitted within the right-of-way of Conn Creek Road or on neighboring parcels not owned by applicant.

- 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

- a. The project will comply with Napa County Environmental Health requirements for its privately-maintained wastewater treatment system, consistent with Regional Water Quality Control Board standards.
- b. The project's existing wastewater system will be expanded to accommodate the additional flows from the revised marketing plan and wastewater from the proposed agricultural processing facility. The system will be designed by a licensed engineer and will be reviewed and approved by the Division of Environmental Health.
- 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 projected needs. The current use on the project site 15.42 AF/YR. The projected water use for the project is 16.05 AF/YR. Napa County has established a threshold 38.92 AF/YR for this parcel; therefore the estimated water demand of 16.05 AF/YR is below the threshold established for the parcel. Discussion of the 38.92 AF/YR threshold is discussed further in the Hydrology and Water Quality section. No further analysis is required.
- 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IXX. 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?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion:

- a. The project as proposed will not 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.
- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential air quality, greenhouse gas emissions, water, and traffic impacts are discussed in the respective sections above. The project would also increase the demands for public services to a limited extent, increase traffic and air pollution, all of which contribute to cumulative effects when future development in Napa Valley is considered. This projects' contribution of less than 1% contribution to PM peak hour trips is less than significant. Additionally, the increase in traffic from the revised marketing and visitation plan would not be a significant impact, as the trips generated from these activities already exist on the roadways. [For a more detailed discussion refer to Section XVI for cumulative traffic analysis.](#)
- c. 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.

Mitigation Measures: None Required.