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Addendum to Previously Approved
Subsequent Negative Declaration



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Planning, Building & Environmental Services

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David Morrison
Director

MEMORANDUM

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|-------|---------------------|-------|---|
| To: | Planning Commission | From: | Graham Hannaford, Planner II |
| Date: | September 20, 2017 | Re: | Mattera Winery, Cunat Premium Vineyards P17-00156-MOD CEQA Addendum Assessor Parcel #036-160-003 |

Project Title

Materra Winery, Cunat Family Vineyards increase in production - Use Permit Modification No. P17-00156

County Contact Person, Phone Number and Email

Graham Hannaford, (707) 299-1361, graham.hannaford@countyofnapa.org

Project Location and APN

The proposed project is located on a 50 acre site at the north side of the intersection of Oak Knoll Road and Big Ranch Road; approximately 1 mile south of the Silverado Trail/Soda Canyon Road intersection. 4326 Big Ranch Road, APN 036-160-003.

Project Representative’s Name and contact information

Beth Painter, 707.337.3385. beth@bpnapa.com

Introduction

The Planning Commission approved Use Permit No. P08-00428-UP on January 7, 2009. The permit allowed a new winery with an annual production capacity of 50,000 gallons; construction of a 15,371 square foot (sq. ft.) winery building which includes areas for production, storage, office, and a 5,094 sq. ft. tasting room facilities in two phases; construction of a 1,545 sq. ft. uncovered outdoor crush pad and 3,600 sq. ft. loading area; on-site parking for 24 vehicles; tours and tastings by appointment for 18 visitors maximum per day; a marketing plan allowing 26 annual events with between 25 and 100 guests; a new access drive from Big Ranch Road; water tanks; and a treated wastewater system. Planning staff prepared an Initial Study for the project and the Planning Commission adopted a Mitigated Negative Declaration based on that analysis. Very Minor Modification Application P13-00283 – VMM was approved by the Napa County Planning Director on March 24, 2014. That approval allowed several project entitlements to be amended, including a decrease in the tasting room facilities from 5,094 sq. ft. to 3,268 sq. ft.; an increase in size of the production facility from 15,371 sq. ft. to 22,850 sq. ft.; alignment of

the access driveway from Big Ranch Road to a new location 200 feet south of Oak Knoll Avenue, consistent with the adopted MND mitigation measure; and the allowance of on-premise wine consumption, consistent with Assembly Bill 2004 (Evans), in the tasting room/ barrel storage building and adjacent landscaped area.

On September 16, 2015, the Planning Commission approved Major Modification P15-00071-MOD, which proposed an increase in wine production, from 50,000 gallons annually to 85,000 gallons annually and a 2,000 gallon wastewater treatment system to account for the increase in production, and its Subsequent Negative Declaration. The Subsequent Negative Declaration did not find any potential significant effects the requested project could cause to the project site or its surrounding areas, and had no required mitigation measures.

Statutory Background

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is appropriate if minor technical changes or modifications to the proposed project occur (CEQA Guidelines 15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or substantially increase the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines 15164 [c]); however an addendum is to be considered by the decision making body along with the previously-adopted environmental document prior to making a decision on the project (CEQA Guidelines 15164 [d]).

This Addendum demonstrates that the environmental analysis and impacts identified in the prior Subsequent Negative Declaration remain substantially unchanged by the circumstances described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previously adopted Subsequent Negative Declaration.

Applicable Reports in Circulation

This Addendum is prepared as an addition to the Mattera, Cunat Premium Vineyards Subsequent Negative Declaration adopted by the Planning Commission on September 16, 2015. A copy of said document is available for review at the offices of the Napa County Planning, Building and Environmental Services Department, 1195 Third Street, Suite 210, Napa CA.

Project Description

The applicant is requesting approval to modify the previously approved use permit to allow the following:

1. An increase in annual production from 85,000 to 110,000 gallons;
2. Installation of a 4,000 gallon wastewater system; and

3. Eliminating the 25 and 50 guest events that use the on-site septic system during the harvest period, from August 1- October 31. The previously approved 100 guest Harvest events can continue to take place during this period as they use portable toilets and do not put an additional burden on the on-site septic system.

No changes are proposed to visitation, employees, or tours and tastings.

Minor Technical Changes or Additions to the Materra, Cunat Premium Vineyard Subsequent Negative Declaration

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

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

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

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

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 any applicable federal or state ambient air quality standard. For these reasons, project impacts related to Air Quality are considered less than significant.

Greenhouse Gas Emissions. Overall increases in Greenhouse Gas Emissions (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 is currently serving as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

The County requires project applicants to consider methods to reduce GHG emissions consistent with the Napa County General Plan Policy CON-63(e). This project does not propose any new development except for the proposed 4,000 gallon septic tank. Standard conditions related to construction serve to lessen any potential temporary impacts that may occur as a result. The applicants have taken out a permit to construct a solar power facility on site. Additionally, it should be noted that the grapes that are to be used for the increase in production are grown approximately one-half mile to the north. These grapes will be used for wine production, and it is clear that being hauled to another winery would lead to a greater volume of greenhouse gas emissions due to the longer journey of the trucks hauling the grapes.

Pursuant to State CEQA Guidelines Section 15183, because this Addendum assesses a project that is consistent with an adopted General Plan for which an Environmental Impact Report was prepared, it appropriately focuses on impacts which are “peculiar to the project,” rather than the cumulative impacts previously assessed. The increase in emissions expected as a result of the project traffic will be minimal and the project is in compliance with the County’s efforts to reduce emissions. For these reasons, project impacts related to GHG emissions are considered less than significant.

While it is an ongoing project, the County’s Climate Action Plan has not been finalized or adopted and cannot be considered a formal threshold of significance for CEQA purposes. The winery has been developed nearly in its entirety with energy efficient. All existing and proposed plumbing fixtures are low flow and energy efficient lighting is installed throughout the cave.

Hydrology. 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. A water use analysis submitted by the applicant’s engineer estimates the impact associated with the proposed production increase. The report was prepared in accordance with current Napa County Water Availability Analysis Guidelines (May 2015) and indicated that with the proposed increased production, estimated water use at the site would be 40.6 acre-feet per year (no net increase from previous estimates, as vineyard

irrigation has required less water than originally thought). This would be within the maximum 50 acre-feet per year (one acre-foot per acre on the property) that the County has established as a sustainable level of water use.

The applicant also provided the County an Onsite Wastewater Disposal Feasibility Study for the project. This study determined the peak winery processing wastewater flow would be 2,750 gallons per day if the additional production capability is approved. The peak wastewater flow for the daily use by employees and visitors is 204 gallons per day. This number rises to 954 gallons per day when 50 guest marketing events are included. With events, the combined peak winery wastewater flow would be at 3,704 gallons per day. The existing wastewater disposal field has a design capacity of 3,111 gallons per day. The applicant has proposed that no marketing events that use the on-site septic system, specifically the 25 and 50 guest food and wine events, are to take place during the harvest season, from August 1 to October 31. This proposal will keep the maximum peak flow at 2,954 gallons per day, within the capacity of the system in place.

Summary and Findings

Review of the project has concluded that the project will not result in new impacts beyond those analyzed in the Materra, Cunat Premium Vineyard Subsequent Negative Declaration adopted in 2015. This application does not propose any new ground disturbance other than what is necessary to install a 4,000 gallon septic tank. The site has not been identified on the County's environmental sensitivity maps as having the possibility of containing any archaeological resources, and any work would have to stop if any archeological items were to be uncovered. Invitation for tribal consultation was completed pursuant to AB 52 and one response was received from the Yocha Dehe Wintun Nation. A site visit was conducted with tribal representatives on February 8, 2017, and a letter was received from Yocha Dehe Wintun Nation dated February 22, 2017, noting that the tribe is not aware of any known cultural resources near this project site and that a cultural monitor is not needed. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a Subsequent Mitigated Negative Declaration have occurred, and thus an Addendum to the 2006 Napa Custom Crush/Waugh Winery Subsequent Mitigated Negative Declaration is appropriate to satisfy CEQA requirements for the proposed project.

The following findings are provided in accordance with CEQA Section 15164 (e) concerning the decision not to prepare a subsequent Negative Declaration pursuant to Section 15162.

(1) None of the following conditions calling for preparation of a subsequent Negative Declaration have occurred:

(a) Substantial changes are proposed in the project which will require major revisions of the... Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the... Negative Declaration due to involvement

of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or

(c) New information of substantial importance which was not known could not have been known with the exercise of reasonable diligence at the time the previous... Negative Declaration was adopted, shows the following:

(i) The project will have one or more significant effects not discussed in the previous Negative Declaration;

(ii) Significant effects previously examined will be substantially more severe than previously shown in the previous Negative Declaration;

(iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(iv) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative.

(2) Only minor technical changes or additions are necessary to make the Subsequent Mitigated Negative Declaration under consideration adequate under CEQA.

(3) The changes to the Subsequent Mitigated Negative Declaration made by this Addendum do not raise important new issues about the significant effects on the environment.

This Addendum finds that actions under the proposed project, as identified herein, will not result in any new significant environmental effects or result in the substantial increase of any previously identified impacts in the previous Subsequent Mitigated Negative Declaration.

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.

By: Graham Hannaford, Project Planner

Signature

Date