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Initial Study/
Mitigated Negative Declaration

Maxville Lake Winery P17-00225-MOD & Conservation Regulations
Exception P18-00189
Planning Commission Hearing August 1, 2018

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

Initial Study Checklist
(form updated October 2016)

1. Project Title: Maxville Lake Winery, Major Modification Use Permit #P17-00225-MOD and Use Permit Exception to Conservation Regulations #P18-00189

2. Property Owner: Koko Nor Corporation, 4105 Chiles Pope Valley Road, St. Helena, CA 94574; (707) 965-9378

3. Project Sponsor's Name and Address: Anthony Hsu, 4108 Chiles Pope Valley Road, St. Helena, CA 94574; (707) 965-9378

4. Representative: Jeffrey Redding, AICP; 2423 Renfrew Street, Napa, CA 94558; (707) 255-7375

5. County Contact Person, Phone Number and email: Jason R. Hade, AICP, Planner III; (707) 259-8757; jason.hade@countyofnapa.org

6. Project Location and APN: The project is located on an approximately 247.5 acre site within the AW (Agricultural Watershed) zoning district at 4105 Chiles Pope Valley Road; APN: 025-020-023

7. General Plan Description: AWOS (Agriculture, Watershed, and Open Space) and Agricultural Resource (AR) Designations

8. Zoning: Agricultural Watershed (AW) District

9. Background/Project History:

   - Use Permit #77-66 was approved by the Planning Commission on August 1, 1966 authorizing a children's summer camp at the subject site. This Use Permit was subsequently revoked by the Planning Commission on February 15, 1984.
   - Use Permit #97484-UP was approved by the Planning Commission on July 22, 1998 authorizing the construction of a 23,662 square foot winery with a maximum annual permitted production capacity of 59,000 gallons over any consecutive three year period, not to exceed 65,000 gallons in any given year. This permit also authorized daily tours and tastings for a maximum of 30 persons per day and up to four events per year with a maximum of 75 persons per event.
   - On April 9, 1999, the Zoning Administrator approved Use Permit Modification #98354-MOD to allow the construction of a wastewater and fire protection pond in lieu of the previously approved underground wastewater system.
   - Use Permit Modification #02354-MOD was approved by staff on September 24, 2002 authorizing a cave for wine storage.
   - Custom crush activities were later permitted on July 31, 2003 via Use Permit Modification #03224-MOD approved by staff.
   - The most recent Use Permit modification (P16-00294), approved by staff on July 20, 2016, permitted the installation of a new fire protection system consisting of the installation of two water storage tanks on a concrete pad.
   - Building Permit B16-00117 was issued on May 15, 2017 and authorized the interior remodeling of the winery.

   The existing winery parcel (APN 025-020-023) includes an existing winery building, 22,988 square foot cave, residence and guest cottage, two (2) 34,000 gallon fire protection water storage tanks, one (1) septic tank, two (2) process wastewater tanks, four (4) 30,000 gallon water storage tanks, water treatment system, propane tanks, and wastewater pond. The site also includes 30 parking spaces, landscaping, and walkways. Water sources for the project consist of five groundwater wells. Approximately 95 acres of vineyards are planted at the subject site. Existing winery access is provided via a driveway to Chiles Pope Valley Road.

10. Project Description: Approval of a Use Permit Major Modification to an existing 59,000 gallon per year winery to allow the following:
    a) Convert approximately 2,069 square feet of the existing wine storage caves from a type I to a type III cave for hospitality use and convert approximately 3,056 square feet of existing winery building floor space to hospitality use;
    b) Install a commercial kitchen and convert the existing mezzanine area to employee offices within the existing 23,662 square foot winery building;
    c) Increase annual permitted maximum production to 240,000 gallons;
    d) Upgrade the existing wastewater system and associated infrastructure consistent with County Code; convert the existing storage ponds to a wastewater treatment pond; and install on-site drainage systems and fire suppression systems;
    e) Increase daily tours and tastings from 30 persons per day (appointment required) 210 persons per week maximum to 25 persons per day (Monday through Thursday), 75 persons per day (Friday through Sunday), 325 visitors maximum per week (by appointment);

f) A Marketing Program change to increase events from 300 guests per year (four events per year with a maximum of 75 guests per event) to 5,760 guests per year (128 events described below) to add the following:
    a. Ninety-six (96) annual events for up to 30 guests;
    b. Twenty-four (24) annual events for up to 95 guests;
    c. Six (6) annual events for up to 100 guests; and
    d. Two (2) wine auction related events per year for up to 75 guests;
    e. Food service to be prepared by proposed on-site commercial kitchen or by licensed caterers; and
    f. Permit use of outdoor patio area for tasting and marketing events.
g) On-premises consumption of wines produced on site in the tasting areas and outdoor patio in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
h) Increase employees from 10 full-time employees to 15 full-time employees and nine (9) part-time employees;
i) Increase parking spaces from 30 spaces to 50 spaces;
j) Change the winery's tasting room hours of operation from 10:00 AM to 4:00 PM to 10:00 AM to 6:00 PM (Seven days a week) and non-harvest production hours of operation from 8:00 AM to 5:00 PM to 7:30 AM to 6:00 PM (Seven days a week); and
k) Construct a new access driveway to Chiles Pope Valley Road.

Marketing events with 30 guests are planned for weekdays and weekends between the hours of 12:00 PM to 3:30 PM while 95 and 100 person events would be held on weekdays and weekend days between the hours of 2:00 PM to 4:00 PM. The tasting room would be closed during marketing events of 95 or 100 persons.

A Use Permit Exception to the Conservation Regulations application (P18-00189) is also requested to allow construction of the proposed new access driveway to Chiles Pope Valley Road to encroach into the required 55-foot stream setback by approximately 45 feet for Maxwell Creek and associated wetland for approximately 120 lineal feet.

11. Environmental setting and surrounding land uses:
The 247.5 acre project site is located within the AW zoning district at 4105 Chiles Pope Valley Road approximately six miles north of the intersection of Sage Canyon Road (State Route 128) and Chiles Pope Valley Road and approximately six miles northeast of downtown Saint Helena. The parcel is comprised of 9.84 acres of developed area, approximately 95 acres of planted vineyards, chaparral, grassland, and 10.76 acres of oak woodland. The project site also features an artificial wetland, freshwater marsh, intermittent stream, ephemeral stream, pond (Maxville Lake), and seasonal wetland. Site topography ranges from slopes of less than five percent to slopes in excess of 30 percent within the southwestern portion of the property. Soil types include Tehama silt loam, zero to five percent slopes, Bress-Dibble complex, 15 to 30 percent slopes, and Bress-Dibble complex, 30 to 50 percent slopes. An area within the northern section of the site lies within the boundaries of the 100 year flood hazard zone, but is outside of the 500 year flood hazard boundaries. The western portion of the project site is in an area designated as Very High Fire Hazard Severity while the remaining portion of the site is within an area designated as Moderate Fire Hazard Severity.

The property is surrounded by rural residential and agricultural (vineyards) uses. The existing winery building is located approximately 855 feet to the southwest of the nearest neighboring residence which lies on the east side of Chiles Pope Valley Road.

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, waste disposal permits, and an encroachment permit, in addition to CalFire. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies	Other Agencies Contacted
U.S. Army Corps of Engineers	Federal Trade and Taxation Bureau
California Department of Fish and Wildlife (DFW)	Department of Alcoholic Beverage Control
Regional Water Quality Control Board	

13. Tribal Cultural Resources. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Assembly Bill 52 (AB 52) Public Resources Code section 21080.3.1? If so, has consultation begun? On February 6, 2018, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Two responses were received from the Yocha Dehe Wintun Nation and Middletown Rancheria, respectively. A cultural monitoring agreement was requested prior to project commencement by each of the tribes and is discussed further under the Tribal Cultural Resources section below.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to

discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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.

Jason R. Hade — 6/27/18

Jason R. Hade, AICP, Planner III — Date
Napa County Planning, Building, and Environmental Services

		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-c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken-in. As generally described in the Environmental Setting and Surrounding Land Uses section, above, this area is defined by rural residential uses. The project would not result in a substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings. The project site is currently developed with a winery and associated improvements, and vineyards. No new structures are proposed. External changes to the winery are limited to a new parking area on an existing concrete slab and the construction of a new access driveway to Chile Pope Valley Road. Up to 10 oak trees would be removed and there are no rock outcroppings visible from the road or other designated scenic resources on the property. Chiles Pope Valley Road is identified as a Viewshed Road. However, the County's Viewshed Protection Program is not applicable to the proposed project as no construction is proposed on slopes in excess of 15 percent. Because there is minimal visual impact from the road, there is a less than significant impact to a scenic vista.

d. The installation of additional lighting that may have the potential to impact nighttime views is proposed within the new parking area as part of the project. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting would be required to be shielded and directed downwards, with only low level lighting allowed in parking areas. As subject to the standard conditions of approval, below, the project would not have a significant impact resulting from new sources of outside lighting.

6.3 LIGHTING – PLAN SUBMITTAL

a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.

b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.

Mitigation Measures: None required.

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

Discussion:

a/b/e. The project site is designated as "Prime Farmland," "Farmland of Local Importance," "Grazing Land," and "Other Land." However, the proposed improvements would occur within the portion of the site designated as "Other Land." Accordingly, implementation of the project would not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Important 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. There is no existing agricultural contract on the property. There are no other changes included in this proposal that would result in the conversion of Farmland. General Plan Agricultural Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. As a result, this application would not result in the conversion of special status farmland to a non-agricultural use.

c/d. The project site is zoned AW, which allow wineries upon grant of a use permit. 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 contains no sensitive woodland or forested areas. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No impacts would occur.

Mitigation Measures: None required.

[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
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?	☐	☐	☒	☐
	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 odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion:

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.

a-c. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the

Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, *In Your Community: Napa County*, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. Because no additional square feet of floor area is proposed when compared to the BAAQMD's operational criteria pollutant screening size of 541,000 square feet for general light industrial, and compared to the BAAQMD's screening criterion of 47,000 square feet for a high quality restaurant, the project would not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.). Given the size of the entire project, which is approximately 52,392 square feet of existing enclosed floor area (winery building and cave) including the proposed use of approximately 5,125 square feet of additional floor area for tasting/hospitality uses compared to the BAAQMD's screening criterion of 47ksf (high quality restaurant) and 541ksf (general light industry) for NO_X (oxides of nitrogen), 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 project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction related to the new parking area and access driveway. 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:

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

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

1. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
5. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
6. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*

7. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.*

8. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website http://www.arb.ca.gov/portable/portable.htm.*

Furthermore, while earthmoving and construction on the site would 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:

7.1 SITE IMPROVEMENTS

b. DUST CONTROL

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

e. While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The closest residence is approximately 855 feet to the northeast of the existing winery building. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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/b. According to the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California* prepared by WRA Environmental Consultants, four sensitive biological plant communities were identified within the project area and no special-status plants occur within the project area. Two special-status plants were observed in the rare plant survey and one special-status plant has the potential to occur in habitat surveyed at the property. However, the project area does not contain habitat for these three special-status plants, and would therefore have no impact on special-status plants. A total of 14 special-status wildlife species, five of which were observed present, and nine of which have a moderate, or high potential to occur in the project area. No federal or state listed species were observed within the project area during the conducting of these surveys. Possible habitat occurs for the following special-status bird species: White-tailed Kite; yellow warbler; Nuttall's woodpecker, loggerhead shrike; oak titmouse; and purple martin. Eight special-status species of bat have been observed or have the potential to occur in the project area and include: pallid bat; hoary bat; silver-haired bat; long-eared bat; Yuma myotis, Townsend's big-eared bat, western red bat; and fringed myotis. Implementation of mitigation measures BIO-1, BIO-2, BIO-3 and BIO-4 would reduce potentially significant impacts to a level of less than significant.

c/d. The project has been designed to avoid impacts to wetlands and non-wetland waters which includes seasonal wetland and intermittent stream communities by keeping most of the proposed site improvements within the existing development footprint. The existing gravel road to be improved to County standards as a new access driveway to Chiles Pope Valley Road crosses over an intermittent stream via an existing culvert and is directly adjacent to a seasonal wetland. As shown on UPEX1 prepared by Summit Engineering on September 14, 2017, approximately 120 lineal feet of the proposed driveway would encroach within the County Conservation Regulation required 55 foot intermittent stream and seasonal wetlands setback. These areas could potentially be impacted by construction activities as a result of potential accidental discharge during paving activities. However, implementation of mitigation measures BIO-5 and BIO-6 below would reduce potentially significant impacts to a level of less than significant. According to the biological resources assessment, "because the project footprint will avoid directly impacting wetlands and waters, and the implementation of the mitigation and avoidance measures discussed [below], the project would result in a less than significant impact to wetlands and waters in the Project Area." (WRA Environmental Consultants, 2017). If the seasonal wetlands or intermittent stream are filled or otherwise modified, a potential impact would occur subject to regulation by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife.

e. As illustrated on the submitted plans, up to 10 oak trees may be removed as part of the proposed project. According to the biological resources assessment the final location and extent of the septic system disposal area has the potential to impact less than 0.1 acre of the approximately 7.3 acres of blue oak woodland at the project site (WRA Environmental Consultants, 2017). Impacts would be less than significant with the implementation of mitigation measures BIO-7 and BIO-8 consistent with General Plan Policy CON-24(c) which requires the provision of replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Retention of these oak trees was determined to be infeasible as it would prevent the use of the existing gravel road alignment resulting in additional environmental impacts.

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 because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures:

MM BIO-1: If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31.

Monitoring: If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the special-status bird species and other migratory passerines (perching birds) survey shall be submitted to Planning Division staff prior to issuance of the grading permit.

MM BIO-2: Prior to commencement of vegetation removal and earth-disturbing activities during nesting season from March 15 to August 31, a qualified wildlife biologist shall conduct preconstruction surveys for Northern Spotted Owls using the U.S. Fish and Wildlife Service's (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (2012)* within 500-feet of earthmoving activities. The preconstruction survey shall be conducted no more than 14 days prior to vegetation removal and ground disturbing activities are to commence. A copy of the survey shall be provided to the County Planning Division and the California Department of Fish and Wildlife (CDFW) prior to commencement of work. If Northern Spotted Owls are found during preconstruction survey, a 500-foot no-disturbance buffer shall be created around active owl sites. These buffer zones may be modified in coordination with CDFW based on existing conditions at the project site. Buffer zones shall be incorporated into the project plans and maintained for the duration of the project. If a 15 day or greater lapse of project-related

work occurs, another pre-construction survey and consultation with CDFW shall be required before project work can be reinitiated.

No surveys shall be required if construction activity occurs outside of the nesting season from March 15 to August 31.

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

MM BIO-3: Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15, when young bats would be able to fly and forage independently, and March 1 to April 15 to avoid hibernating bats, and prior to formation of maternity colonies. Any trees proposed for removal containing suitable bat roost habitat shall be removed using a two-day phased removal method. On day one (in the afternoon), limbs and branches would be removed using chainsaws only. Limbs with cavities, crevices, and deep bark fissures would be avoided. On day two, the rest of the tree would be removed under the supervision of a qualified bat expert. If tree removal must occur outside of the seasonal activity periods mentioned above, i.e., between October 16 and February 28/29,or between April 16 and April 30, a qualified bat expert should conduct pre-construction surveys within 14 days of starting construction. Survey methods, timing, duration, and species should be reviewed and approved by CDFW prior to starting construction. If bats or evidence of their presence is found during the survey then the qualified bat expert should develop a plan for removal and exclusion, in conjunction with CDFW.

Monitoring: If trees are to be removed outside of the dates listed above, the pre-construction bat survey shall be submitted to Planning Division staff prior to issuance of the grading permit.

MM BIO-4: Prior to project commencement, appropriate perimeter erosion and sediment control measures (i.e. silt fencing, straw waddles) shall be installed around any stockpiles of soil or other materials which could be transported by rainfall or other flows in order to reduce the possibility of soil erosion and sediments flowing into natural habitats. All access, staging, and work areas shall be the minimum size necessary to conduct the work, and shall be sited in previously developed areas to the maximum extent feasible. All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into the project area. No other debris, rubbish, soil, silt, sand, or other construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into wetland areas. All such debris and waste shall be picked-up daily and shall be properly disposed of at an appropriate facility. If a spill of fluid materials occurs, the area shall be cleaned and contaminated materials disposed of properly. The affected spill area shall be restored to its natural condition. Disturbance or removal of vegetation shall not exceed the minimum necessary to conduct the work.

Monitoring: Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) detailed in MM BIO-4.

MM BIO-5: To avoid potentially impacting seasonal wetlands and the intermittent stream, all road paving within 50 feet of the intermittent stream and seasonal wetlands shall be conducted during the dry season of May 1 to October 15 to minimize water quality impacts. Prior to construction, the delineated wetland boundary shall be demarcated in the field and an erosion control silt fence shall be installed between the edge of the delineated wetland boundary and the road to ensure all construction activities avoid the wetland, and no accidental discharge occurs. The fencing shall remain in place until construction is complete.

Monitoring: Prior to the issuance of a grading permit, the delineated wetland boundary shall be demarcated on the improvements plans and an erosion control silt fence shall be shown between the edge of the delineated wetland boundary and the road.

MM BIO-6: If any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California,* is proposed, consultation and permitting must be obtained from the U.S Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife prior to and during the construction.

Monitoring: Proof of the required permits (404 permit by the U.S. Corps of Engineers, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife) and consultation for any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California* from the agencies identified above shall be submitted to Planning Division staff prior to the issuance of a grading permit.

MM BIO-7: Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.

Monitoring: The final tree removal plan shall be submitted for review and approval to Planning Division staff with recommendations regarding trees to be retained or removed prior to issuance of the grading permit.

MM BIO-8: Prior to issuance of a final certificate of occupancy, an oak replacement and preservation plan shall be implemented in consultation with a certified arborist. The oak replacement and preservation plan is to include the planting of 2 times the number of oak trees removed within an appropriate location on the property as determined in consultation with a certified arborist with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.

Monitoring: A letter from a certified arborist certifying that the replanting plan has been fully implemented shall be submitted to Planning Division staff prior to issuance of a Final Certificate of Occupancy.

		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 dedicated cemeteries?	☐	☐	☒	☐

Discussion:

a-c. According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites points & lines, Archaeology surveys, sites, sensitive areas, and flags) no historic sites have been identified on the property. The site was previously surveyed in 1993 but no sites were identified within the proposed project area (*A Cultural Resources Evaluation of the Bar 49 Ranch, 4105 Chiles Pope Valley Road Napa County)*. The winery area was again surveyed in 1998 and no sites were identified (*Cultural Resources Study for Catacula Lake Winery, Chiles Valley, Napa County, California, 1998*). However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with the following standard condition of approval:

7.2 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

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. Most construction activities would occur on previously disturbed portions of the site. However, if resources are found during project grading, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with standard condition of approval noted above. Impacts would be less than significant.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 would be required to comply with 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 edition 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 known landslide areas within the area of the subject site proposed for modification as part of the project.

b. The proposed improvements would occur on slopes of five percent to 15 percent. The project would require incorporation of best management practices and would be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.

c/d. The following soil types are present at the subject site: (1) Tehama silt loam, zero to five percent slopes: (2) Bress-Dibble complex, 15 to 30 percent slopes and; (3) Bress-Dibble complex, 30 to 50 percent slopes. Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the improvements are proposed for an area which has a very low susceptibility for liquefaction. Impacts would be less than significant.

e. According to the Wastewater Disposal Feasibility Study prepared by Summit Engineering on August 31, 2017, the project site and proposed system upgrade would have adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings. Impacts would be less than significant.

Mitigation Measures: None required.

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

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

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016 the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or http://www.countyofnapa.org/CAP/.

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 (CO_2e)]. 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.)

For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science explain human effects on the atmosphere). Carbon Dioxide (CO2) gas, the principal greenhouse gas (GHG) being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to compare other greenhouse gases. Agricultural sources of carbon emissions include forest clearing, land-use changes, biomass burning, and farm equipment and management activity emissions (http://www.climatechange.ca.gov/glossary/letter_c.html). Equivalent Carbon Dioxide (CO2e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAMD CEQA Air Quality Guidelines, May 2017). In this case, carbon dioxide (CO2) is used as the reference atom/compound to obtain atmospheric carbon CO2 effects of GHG. Carbon stocks are converted to carbon dioxide equivalents (CO2e) by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom (http://www.nciasi2.org/COLE/index.html).

One time "Construction Emissions" associated with a winery development project include: i) the carbon stocks that are lost (or released) when existing vegetation is removed and soil is ripped in preparation for a new winery structure and associated infrastructure; and ii) emissions associated with the energy used to develop and prepare the project area and construct a winery, including construction equipment and worker vehicle trips (hereinafter referred to as Equipment Emissions). These emissions also include underground carbon stocks (or Soil carbon) associated with any existing vegetation that is proposed to be removed. As previously stated, this project includes the interior modifications to an existing winery building and cave as well as the construction of a new driveway to access Chiles Pope Valley Road.

In addition to the one time Construction Emissions, "Operational Emissions" of the winery are also considered and include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions). See Section XVI, Transportation/Traffic, for anticipated number of operational trips. Operational Emissions from the proposed winery would be the primary source of emissions over the long-term when compared to one time construction emissions.

As discussed in the Air Quality section of this Initial Study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions, which have now been updated by BAAQMD through May 2017. Because approximately 5,125 square feet of additional floor area for tasting/hospitality uses is proposed when compared to the BAAQMD's GHG screening criteria of 121,000 sf for general industrial, and compared to the BAAQMD's screening criterion of 9,000 sf. for high quality restaurant, the project was determined not to exceed the 1,100 MT of CO2e/yr GHG threshold of significance.

Furthermore, the applicant has already implemented the following GHG reduction methods at the existing winery: installation of rooftop solar panels; installation of water efficient fixtures; application of low impact development; installation of water efficient landscape in compliance with the Water Efficient Landscape Ordinance (WELO); installation of energy conserving lighting; the installation of bicycle racks; and the designation of clean air/carpool/electric vehicle parking spaces. As part of this project, the applicants intends to install additional electric vehicle charging stations, implement a lake restoration plan, and explore the installation of water floating solar systems.

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.

Greenhouse Gas Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, vehicle fuel efficiency standards, and the project-specific on-site programs identified above would combine to further reduce emissions below BAAQMD thresholds.

As indicated above, the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County's GHG emissions in 2014 were a result of land use change.

The increase in emissions expected as a result of the project would 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?	☐	☐	☐	☒
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 would not involve the transport of hazardous materials other than those small amounts utilized in typical winery operations. A business plan would be filed with the Environmental Health Division should hazardous materials reach reportable levels. Impacts would be less than significant.

b. Hazardous materials such as diesel, maintenance fluids, and paints would be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of an existing winery that would not be expected to use any substantial quantities of hazardous materials. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environments. Impacts would be less than significant.

c. There are no schools located within one-quarter mile from the existing winery building. According to Google Earth, the nearest school to the project site is Pacific Union College, located approximately 3.6 miles to the northwest. No impacts would occur.

d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

e. No impact would occur as the project site is not located within an airport land use plan.

f. No impact would occur as the project site is not located within the vicinity of any private airports.

g. The proposed project's new access driveway would meet Napa County Road and Street Standards. Therefore, the project would not obstruct 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 proposed new driveway would provide a secondary access point from the existing primary access driveway to Chiles Pope Valley Road . The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts would be less than significant.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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 town across California to reduce water usage by 25 percent. These water restrictions do not apply to agricultural users. However, on April 7, 2017, Governor Jerry Brown signed an executive order lifting California's drought emergency in all but four counties (Fresno, Kings, Tulare and Tuolumne). The County of Napa had 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 and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

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 are 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 the Central Interior Valleys subarea of Napa County according to the Napa County Groundwater Monitoring Plan 2013. The County has no record of problems or complaints of diminished groundwater supplies at the project site or in the general vicinity. The applicant has not experienced any issues with the availability of groundwater.

Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. The project is categorized as "all other areas" based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. A Tier 2 analysis was completed by Summit Engineering on August 31, 2017 which included a parcel specific recharge evaluation. According to the recharge evaluation, the property yields "734.6 AF during an average year and 399.9 AF during a 10-year drought from rain." (Summit Engineering, 2017)

a/b. The project would not violate any water quality standards or waste discharge requirements nor substantially deplete local groundwater supplies. According to the Wastewater Disposal Feasibility Study prepared by Summit Engineering on August 31, 2017, the project site and proposed system has adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

The project is not expected to violate any water quality standards or waste discharge requirements nor substantially deplete local groundwater supplies. Water sources for the project site consist of five groundwater wells, a natural spring, and Maxwell Lake. The natural spring is no longer used. Based on the capacity of the four new wells drilled in 2015, the winery has elected to use wells #1, #3, and #4 for all domestic and process water supply. Well #1 was drilled in 1972 to a depth of 216 feet and has a 25 foot annular seal with an estimated yield of 7 gpm. (Summit Engineering, 2017) Well #3 was drilled in 2015, has a depth of 440 feet, a 50 foot seal and sustainable yield of 15 gpm from an eight hour pump test. Well #4 was drilled in 2015, has a depth of 345 feet, a 50 foot seal and sustainable yield of 24 gpm from an eight hour pump test. The applicant submitted a Tier 2 Water Availability Analysis (WAA) completed by Summit Engineering on August 31, 2017 showing the projected water use for the project plus existing demand is 42.6 AF/YR. The anticipated total overall water demand for the project site would be 42.6 AF/YR representing a 3.8 AF/YR increase of the existing water demand of 38.8 AF/YR. The parcel water demand can be met with the existing project wells. Therefore, the impacts from the project would be less than significant and no further analysis is needed. Below is a table that details each source of existing and proposed groundwater use:

Usage Type	Existing Usage	Proposed Usage
Vineyard Irrigation	29.4	29.4
Frost Protection	6.14	6.14
Winery		
Wine Production	1.20	4.42

Domestic (Employees, Tastings, Events)	0.23	0.81
Landscape Irrigation	1.82	1.82
Net Use (Acre-ft per Year)	38.8	42.6

Existing water usage for the residence and guest cottage is approximately 1.5 AF/YR and would remain unchanged as part of the project. The estimated groundwater demand of 42.6 AF/YR, represents an increase of 3.8 AF/YR over the existing condition. "Total annual water demand at Maxville Lake Winery, associated with the proposed increase in production capacity to 240,000 gallons of wine per year, is estimated to be 35% of the total water availability (Per Napa County Phase I Water Availability Analysis method) for the parcel; therefore, the demand should be met with existing Well 01 in combination with two new wells 03 and 04, operating for 8 hours per day at 21 gpm combined capacity." (Summit Engineering, 2017) The winery, as part of its entitlement would include 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.

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 would result in a modest increase on the demand of ground water supplies and therefore would not interfere with groundwater recharge or lowering of the local groundwater level. A well interference analysis was conducted as part of the Tier II analysis to review the project's potential impacts on neighboring wells within 500 feet from the property wells. The groundwater drawdown from all property wells to the edge of the parcel was determined using the Theis equation as indicated in the WAA guidelines. The assumed closest distance that any neighboring well could be located is the edge of the parcel. The analysis concluded that "based on using very conservative estimates for aquifer thickness, specific storage, and hydraulic conductivity, and values presented in the Water Availability Analysis guidelines adopted on March 2015, none of the wells should have a drawdown greater than 10 feet on any wells that are adjacent to the site or within the property" (Summit Engineering, 2017). The WAA guidelines establish a 10-foot drawdown as the criteria to determine significant adverse effects. Because the wells estimated drawdown is less than 10-feet, no significant drawdown impact is anticipated for wells on adjacent parcels. No spring interference would occur as the natural spring on-site is no longer used as a water source. 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.

c-d. The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Impacts would be less than significant.

e. The preliminary grading and drainage plan has been reviewed by the Engineering Division. As conditioned, impacts would be less than significant.

f. A review of all parcels within 500-feet of the subject site's property line was conducted to identify any potential hazardous spills and none were identified. Impacts from the project to water quality would be less than significant.

g/h. An area within the northern section of the site lies within the boundaries of the 100 year flood hazard zone, but is outside of the 500 year flood hazard boundaries. No construction is proposed within either the 100 year or 500 year flood hazard zones. No impacts would occur.

i/j. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. Impacts would be less than significant.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 with the exception of a Use Permit Exception to Conservation Regulations application (P18-00189) that is also requested to allow construction of the proposed new access driveway to Chiles Pope Valley Road to encroach into the required stream setback for Maxwell Creek and associated wetland for approximately 120 lineal feet. The new driveway would improve an existing gravel driveway with a previously permitted culvert to County standards. Mitigation measures BIO-5 and BIO-6, discussed under the "Biological Resources" section above, are intended to address any potential biological impacts from the requested minor stream setback and wetland setback incursion. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

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

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

The General Plan includes two policies 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. No impacts would occur.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI.	MINERAL RESOURCES. Would the project:				

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 the project site. No impacts would occur.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII.	NOISE. Would the project result in:				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
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 would result in a temporary increase in noise levels during construction of the proposed new driveway connecting to Chiles Pope Valley Road and the creation of additional parking stalls. Construction activities would be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. As such, the project would not result in potentially significant temporary construction noise impacts or operational impacts. Because the nearest residence to the project site is approximately 855 feet to the northeast of the existing winery structures and operations and approximately 725 feet to the east of the proposed new driveway, there is a low potential for impacts related to construction noise to result in a significant impact. Further, construction activities would occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities would be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project would not result in long-term significant construction noise impacts. Conditions of approval identified below would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. Impacts would be less than significant.

7.3. CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

c/d. The proposed project involves a marketing program including 128 events on an annual basis with the largest events permitting up to 100 guests as well as the use of an existing outdoor patio for tastings and marketing events that has the potential to generate higher noise levels, compared to existing conditions, as a result of the proposed occurrence of marketing events outdoors.

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

The nearest off-site residence to the proposed winery is approximately 855 feet to the northeast of the existing winery structure and approximately 920 feet from the parking area. Under the proposed project, the largest outdoor event that would occur on the parcel would have an attendance of no more than 100 people, and all events would end by 10:00 p.m., with clean-up conducted afterwards. Winery operations would occur between 7:30 a.m. and 6:00 p.m. (excluding harvest). The potential for the creation of significant noise from visitation is significantly reduced, since the tasting areas are predominantly within the winery building itself and cave with the exception of a 2,112 square foot patio which is surrounded by the existing building on two sides. 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, should further ensure that marketing events and other winery activities do not create a significant noise impact. No noise complaints have been received by the County for the existing winery marketing events. Events and non-amplified music, including clean-up are required to finish by 10:00 p.m. Amplified music or sound systems would not be permitted for outdoor events as identified in standard Condition of Approval 4.10 below. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events.

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

The proposed project would not result in long-term significant permanent noise impacts.

e/f. The project site is not located within an airport land use plan or the vicinity of a private airstrip. No impact would occur.

Mitigation Measures: None required.

		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. Staffing for the existing winery includes up to a maximum of 10 full-time employees and is requested to increase to 15 full-time employees and nine (9) part-time employees as part of this project. 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 five additional full-time employees and nine (9) additional part-time employees which are part of this project could lead to minor population growth in Napa County. Relative to the County's projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to 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 would be less than significant.

b/c. This application would not displace a substantial volume of existing housing or a substantial number of people and would not necessitate the construction of replacement housing elsewhere. No impacts would occur.

Mitigation Measures: None required.

	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 as a result of the proposed project would be minimal. Fire protection measures would be required as part of the development pursuant to Napa County Fire Marshall conditions and there would be no foreseeable impact to emergency response times with compliance with these conditions of approval. The Fire Department and Engineering Services Division have reviewed the application and recommend approval, as conditioned. School impact fees, which assist local school districts with capacity building measures, would be levied pursuant to building permit submittal. The proposed project would have minimal impact on public parks as no residences are proposed. Impacts to public services would be less than significant.

Mitigation Measures: None required.

		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. The project would not significantly increase use of existing parks or recreational facilities based on its limited scope. Impacts would be less than significant.

b. No recreational facilities are proposed as part of the project. No impact would occur.

Mitigation Measures: None required.

		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 and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	☐	☒	☐	☐
	b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	☐	☐	☒	☐
	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) Conflict with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	☐	☐	☒	☐
	g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion:

a/b. The project study area consists of the intersections of Silverado Trail/Deer Park Road and Silverado Trail/Sage Canyon Road and Chiles Pope Valley Road. Silverado Trail/Deer Park Road is an all-way stop controlled intersection with stop signs and flashing red lights on all four approaches. Silverado Trail/Sage Canyon Road is an unsignalized tee-intersection with stop-controlled on the terminating southbound Sage Canyon Road approach. The south leg is a private driveway to Conn Creek Winery. Chiles Pope Valley Road is a rural two-lane

roadway that winds its way north-south from Sage Canyon Road on the south to Howell Mountain Road on the north. The project site would be continue to be accessed via a private driveway connecting to Chiles Pope Valley Road and also proposes an additional private driveway connecting to Chiles Pope Valley Road.

W-Trans prepared a *Traffic Impact Study for Maxville Lake Winery Use Permit Modification* on February 13, 2018. Anticipated project trip generation is shown in the table below for the weekday PM peak hour (4:00 PM to 6:00 PM) and weekend midday peak hour (12:00 PM to 4:00 PM).

Condition	Weekday Trips	Weekday PM Peak Hour			Weekend MD Peak Hour		
		Trips	In	Out	Trips	In	Out
Permitted	30	11	4	7	25	12	13
Proposed	83	32	11	21	41	20	21
Net New Trips	53	21	7	14	16	8	8

The largest requested additional marketing events would have up to 100 attendees per event and occur six times a year. These events would typically be held in the evenings and on weekends and would be anticipated to generate up to 85 total trips. According to Summit Engineering, the total soil amount off-haul from project grading is approximately 1,725 cubic yards which would result in approximately 108 truck trips during project construction.

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

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

> LOS A- Free-flowing travel with an excellent level of comfort and convenience and freedom to maneuver.
> LOS B- Stable operating conditions, but the presence of other road users causes a noticeable, though slight, reduction in comfort, convenience, and maneuvering freedom.
> LOS C- Stable operating conditions, but the operation of individual users is substantially affected by the interaction with others in the traffic stream.
> LOS D- High-density, but stable flow. Users experience severe restrictions in speed and freedom to maneuver, with poor levels of comfort and convenience.
> LOS E- Operating conditions at or near capacity. Speeds are reduced to a low but relatively uniform value. Freedom to maneuver is difficult with users experiencing frustration and poor comfort and convenience. Unstable operation is frequent, and minor disturbances in traffic flow can cause breakdown conditions.
> LOS F- Forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion. (2000 Highway Capacity Manual, Transportation Research Board)

Analysis indicates that under existing conditions the study intersections are currently operating at LOS C or better overall during both peak hours. However, the Sage Canyon Road approach to Silverado Trail is operating at LOS F during the weekday PM peak hour. After addition of the project-related traffic, the study intersections would continue operating at the same levels of service and the project would be responsible for an increase that represents less than 10 percent of the existing PM peak hour traffic volumes on the Sage Canyon Road approach. Under baseline conditions which include traffic associated with known winery projects within the study area that are approved or pending, the study intersections would continue to operate at the same levels of service as under existing conditions. The inclusion of project-related traffic would not change these service levels and project traffic would still be responsible for less than 10 percent of the baseline PM peak hour traffic volumes on the Sage Canyon Road approach to Silverado Trail. Under the projected future volumes, Silverado Trail/Deer Park Road would deteriorate to LOS F during weekday PM peak hour and LOS E during the weekend midday PM peak hour and Silverado Trail/Sage Canyon Road would deteriorate to LOS F overall during the weekday PM peak hour. Although these service levels are considered unacceptable, the project would contribute less than five percent of the anticipated increase in traffic volumes at Silverado Trail/Deer Park Road so this impact would be considered less than significant under the County's guidelines. However, the project would add greater than a five percent increase at the Silverado Trail/Sage Canyon Road intersection approach. Implementation of mitigation measures TRANS-1 and TRANS-2 below would reduce potential impacts to a less than significant level. Public Works Department staff reviewed the study and concluded that the study adequately demonstrates that the proposed use in the proposed location would not result in any significant impacts, either project-specific or cumulative, on traffic circulation in the vicinity. Therefore, the project would result in a nominal increase in trips on the study area transportation network. Additionally, a project specific condition would ensure that tasting by appointment would not occur during events of 95 or 100 guests.

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

d-f. After implementation of the proposed project, the site would be accessed via an existing driveway on Chiles Pope Valley Road as well as a new driveway also connecting to Chiles Pope Valley Road. Sight distance along Chiles Pope Valley Road at the project driveway and proposed driveway was evaluated based on sight distance criteria contained in the *Highway Design Manual* published by Caltrans. "Adequate sight distance is available at both driveways to accommodate all turns. Although Chiles Pope Valley Road is generally curvy, both driveways are positioned on straight segments with adequate sight distance in both directions both for drivers exiting the site and also for following drivers to see and react to a vehicle stopped to turn into the project driveway, should that unlikely event occur." (W-Trans, 2018) Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as conditioned.

Based on the existing volumes on Chiles Pope Valley Road and expected daily volumes at the project driveways, a left turn lane is not required at either of the two proposed project driveways per the County's standard left turn lane warrant.

The proposal includes the construction of 20 additional parking spaces for a total of 50 parking spaces at the subject site. Based upon the County standard of 2.6 persons per vehicle during weekdays and 2.8 persons per vehicle during weekends and 1.05 persons per vehicle for employees the minimum parking required for daily activities would be 50 parking spaces. However, it is unlikely that the winery would host 75 visitors at one time on a weekend and have 15 full-time employees and nine part-time employees at the site at one time.

g. As proposed, the project would not conflict with any adopted policies, plans or programs supporting alternative transportation. Chiles Pope Valley Road is a Class III bike route and is therefore accessible via bicycle. The project would be conditioned to require the installation of bicycling parking facilities (minimum of two spaces) near the tasting room. No impact would occur.

Mitigation Measures:

MM TRANS-1: Employee shifts at the winery shall be scheduled so that no employees end their work day between 3:30 PM and 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.

Monitoring: A Transportation Demand Management (TDM) Plan which prohibits winery employees from ending their work day between 3:30 PM and 6:00 PM on weekdays shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

MM TRANS-2: Events at the winery shall be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.

Monitoring: A TDM Plan which requires events at the winery to be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Discussion:

a/b. On February 6, 2018, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Yocha Dehe Wintun Nation responded in a letter dated March 30, 2018 that based on their review of the cultural resources study, the project could impact known cultural resources and a cultural monitor is recommended during ground disturbance. The Middletown Rancheria reviewed the cultural resources study and also recommended a cultural monitor be present at the project site during ground disturbance in an email dated April 6, 2018. Impacts would be less than significant with the implementation of mitigation measure TRI-1.

Mitigation Measure:

MM TRI-1: Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Yocha Dehe Wintun Nation and a representative of Middletown Rancheria. Pre-construction coordination shall, at a minimum, include the following:

a. Submittal of copies of grading plans to the archaeological monitor and tribal representatives, concurrently with submittal of the grading permit application to the Napa County Planning, Building & Environmental Services (PBES) Department;
b. Execution of a Standard Monitoring Agreement with Yocha Dehe Wintun Nation and Middletown Rancheria;
c. Training of construction field crews, by an archaeological monitor and tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources; and
d. Presence of an archaeological monitor and tribal representative on-site during survey/marking and initial rough grading of improvements (new driveway, parking stalls, water storage and fire protection tank installation, and septic tank installation) on the Maxville Lake Winery parcel.

Monitoring: Concurrently with submittal of the grading application for Maxville Lake Winery parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the archaeological monitor and tribal representatives previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the archaeological monitor and tribal representatives upon receipt of the grading permit application.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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/b. The project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not result in a significant impact on the environment relative to wastewater discharge. Wastewater disposal would be accommodated on-site and in compliance with State and County regulations. According to the Wastewater Disposal Feasibility Study prepared by Summit Engineering on August 31, 2017, the project site and proposed system upgrade would have adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

Water sources for the project site consist of five groundwater wells, a natural spring, and Maxwell Lake. The natural spring is no longer used. Based on the capacity of the four new wells drilled in 2015, the winery has elected to use wells #1, #3, and #4 for all domestic and process water supply. Well #1 was drilled in 1972 to a depth of 216 feet and has a 25 foot annular seal with an estimated yield of 7 gpm. (Summit Engineering, 2017) Well #3 was drilled in 2015, has a depth of 440 feet, a 50 foot seal and sustainable yield of 15 gpm from an eight hour pump test. Well #4 was drilled in 2015, has a depth of 345 feet, a 50 foot seal and sustainable yield of 24 gpm from an eight hour pump test. The applicant submitted a Tier 2 Water Availability Analysis (WAA) completed by Summit Engineering on August 31, 2017 showing the projected water use for the project plus existing demand is 42.6 AF/YR. The anticipated total overall water demand for the project site would be 42.6 AF/YR representing a 3.8 AF/YR increase of the existing water demand of 38.8 AF/YR. The parcel water demand can be met with the existing project wells. The Water Availability Analysis concluded that sufficient water would be available to serve the proposed project. Impacts would be less than significant.

c. The preliminary grading and drainage plan has been reviewed by the Engineering Division. As conditioned, impacts would be less than significant.

d. As discussed in Section IX above, the project is categorized as "all other areas" based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. A Tier 2 analysis was completed by Summit Engineering on August 31, 2017 which included a parcel specific recharge evaluation. According to the recharge evaluation, the property yields "734.6 AF during an average year and 399.9 AF during a 10-year drought from rain." (Summit Engineering, 2017) The parcel water demand can be met with the existing on site well. In summary, the existing yield would be sufficient to serve all uses on the property. 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. Impacts would be less than significant as there is sufficient water supply available to serve the proposed project.

e. Wastewater would be treated on-site and would not require a wastewater treatment provider. Impacts would be less than significant.

f. The project would be served by Keller Canyon Landfill which has a capacity which exceeds current demand. As of January 2004, the Keller Canyon Landfill had 64.8 million cubic yards of remaining capacity and has enough permitted capacity to receive solid waste though 2030. Impacts would be less than significant.

g. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None required.

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

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIX.	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. As discussed in Section IV above, all potential biological related impacts would be less than significant with implementation of the biological resources mitigation measures. As identified in Section V above, no known historically sensitive sites or structures, archaeological or paleontological resources, sites or unique geological features have been identified within the project site. In the event archaeological artifacts are found, a standard condition of approval would be incorporated into the project. Impacts would be less than significant with the incorporation of the biological resources mitigation measures and standard condition of approval related to cultural resources as well as implementation of mitigation measure TRI-1.

b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential air quality, greenhouse gas emissions, hydrology, 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 pollutions, all of which contribute to cumulative effects when future development in Napa Valley is considered. Cumulative impacts of these issues are discussed in previous sections of this Initial Study, wherein the impact from an increase in air pollution is being addressed as discussed in the project's Greenhouse Gas Voluntary Best Management Practices including but not limited to: installation of additional electric vehicle charging stations, implementation of a lake restoration plan, and exploration of the installation of water floating solar systems. The applicant has already implemented the following GHG reduction methods at the existing winery: installation of rooftop solar panels; installation of water efficient fixtures; application of low impact development; installation of water efficient landscape in compliance with the Water Efficient Landscape Ordinance (WELO); installation of energy conserving lighting; the installation of bicycle racks; and the designation of clean air/carpool/electric vehicle parking spaces.

Potential impacts are discussed in the respective sections above. The project trip generation was calculated from winery operations, where the calculated trips reflect total visitation, on-site employees and wine production trips generated by the winery. Under the Napa County General Plan, traffic volumes are projected to increase and will be caused by a combination of locally generated traffic as well as general regional growth. The General Plan EIR indicates that much of the forecasted increase in traffic on the arterial roadway network will result from traffic generated outside of the county, however the project would contribute a small amount toward the general overall increase.

General Plan Policy CIR-16 states that "The County will seek to maintain an arterial Level of Service D or better on all County roadways, except where the level of Service already exceeds this standard and where increased intersection capacity is not feasible without substantial additional right of way." Under the projected future volumes, Silverado Trail/Deer Park Road would deteriorate to LOS F during weekday PM peak hour and LOS E during the weekend midday PM peak hour and Silverado Trail/Sage Canyon Road would deteriorate to LOS F overall during the weekday PM peak hour. Although these service levels are considered unacceptable, the project would contribute less than five percent of the anticipated increase in traffic volumes at Silverado Trail/Deer Park Road so this impact would be considered less than significant under the County's guidelines. Although the project would add greater than a five percent increase at the Silverado Trail/Sage Canyon Road intersection approach. Implementation of mitigation measures TRANS-1 and TRANS-2 outlined above would reduce potential impacts to a less than significant level. As discussed above under Section XVI Transportation, the project's additional traffic at the peak hours would avoid a deterioration of the level of service at the study intersection by adding less than five percent to the existing volume, reducing potential cumulative impacts to a less than significant level.

c. All impacts identified in this MND are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human being either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None Required.

Maxville Lake Winery Use Permit Major Modification No. P17-00225-MOD & Use Permit Exception to Conservation Regulations No. P18-00189
Mitigation Monitoring and Reporting Program

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-1: Biological Resources. The proposed project has the potential to directly impact suitable habitat for special status bird and bat species.	MM BIO-1: If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31.	If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the special-status bird species and other migratory passerines (perching birds) survey shall be submitted to Planning Division staff prior to issuance of the grading permit.	P	PD	PC __/__/__
	MM BIO-2: Prior to commencement of vegetation removal and earth-disturbing activities during nesting season from March 15 to August 31, a qualified wildlife biologist shall conduct preconstruction surveys for Northern Spotted Owls using the U.S. Fish and Wildlife Service's (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (2012)* within 500-feet of earthmoving activities. The preconstruction survey shall be conducted no more than 14 days prior to vegetation removal and ground disturbing activities are to commence. A copy of the survey shall be provided to the County Planning Division and the California Department of Fish and Wildlife (CDFW) prior to commencement of work. If Northern Spotted Owls are found during preconstruction survey, a 500-foot no-disturbance buffer shall be created around active owl sites. These buffer zones may be modified in coordination with CDFW based on existing conditions at the project site. Buffer zones shall be incorporated into the project plans and maintained for the duration of the project. If a 15 day or greater lapse of project-related work occurs, another pre-construction survey and consultation with CDFW shall be required before project work can be reinitiated. No surveys shall be required if construction activity occurs outside of the nesting season from March 15 to August 31.	If construction activity is to occur during the nesting season from March 15 to August 31, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.	P	PD	PC __/__/__

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

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	MM BIO-3:Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15, when young bats would be able to fly and forage independently, and March 1 to April 15 to avoid hibernating bats, and prior to formation of maternity colonies. Any trees proposed for removal containing suitable bat roost habitat shall be removed using a two-day phased removal method. On day one (in the afternoon), limbs and branches would be removed using chainsaws only. Limbs with cavities, crevices, and deep bark fissures would be avoided. On day two, the rest of the tree would be removed under the supervision of a qualified bat expert. If tree removal must occur outside of the seasonal activity periods mentioned above, i.e., between October 16 and February 28/29,or between April 16 and April 30, a qualified bat expert should conduct pre-construction surveys within 14 days of starting construction. Survey methods, timing, duration, and species should be reviewed and approved by CDFW prior to starting construction. If bats or evidence of their presence is found during the survey then the qualified bat expert should develop a plan for removal and exclusion, in conjunction with CDFW.	If trees are to be removed outside of the dates listed above, the pre-construction bat survey shall be submitted to Planning Division staff prior to issuance of the grading permit.	P	PD	PC __/__/__
	MM BIO-4: Prior to project commencement, appropriate perimeter erosion and sediment control measures (i.e. silt fencing, straw waddles) shall be installed around any stockpiles of soil or other materials which could be transported by rainfall or other flows in order to reduce the possibility of soil erosion and sediments flowing into natural habitats. All access, staging, and work areas shall be the minimum size necessary to conduct the work, and shall be sited in previously developed areas to the maximum extent feasible. All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into the project area. No other debris, rubbish, soil, silt, sand, or other construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into wetland areas. All such debris and waste shall be picked-up daily and shall be properly disposed of at an appropriate facility. If a spill of fluid materials occurs, the area shall be cleaned and contaminated materials disposed of properly. The affected spill area shall be restored to its natural condition. Disturbance or removal of vegetation shall not exceed the minimum necessary to conduct the work.	Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) detailed in MM BIO-4.	P	PD	PC __/__/__
Impact BIO-5: Biological Resources. The proposed project has the potential to directly impact waters of the U.S. if filled or otherwise modified.	MM BIO-5: To avoid potentially impacting seasonal wetlands and the intermittent stream, all road paving within 50 feet of the intermittent stream and seasonal wetlands shall be conducted during the dry season of May 1 to October 15 to minimize water quality impacts. Prior to construction, the delineated wetland boundary shall be demarcated in the field and an erosion control silt fence shall be installed between the edge of the delineated wetland boundary and the road to	Prior to the issuance of a grading permit, the delineated wetland boundary shall be demarcated on the improvements plans and an erosion control silt fence shall be shown between the edge of the	P	PD	PC __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	ensure all construction activities avoid the wetland, and no accidental discharge occurs. The fencing shall remain in place until construction is complete.	delineated wetland boundary and the road.			
	MM BIO-6: If any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California,* is proposed, consultation and permitting must be obtained from the U.S Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife prior to and during the construction.	Proof of the required permits (404 permit by the U.S. Corps of Engineers, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife) and consultation for any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California* from the agencies identified above shall be submitted to Planning Division staff prior to the issuance of a grading permit.	P	PD	PC __/__/__
Impact BIO-7: Biological Resources. The proposed project has the potential to directly impact oak woodland.	MM BIO-7: Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.	The final tree removal plan shall be submitted for review and approval to Planning Division staff with recommendations regarding trees to be retained or removed prior to issuance of the grading permit.	P	PD	PC __/__/__
	MM BIO-8: Prior to final occupancy, an oak replacement and preservation plan shall be implemented in consultation with a certified arborist. The oak replacement and preservation plan is to include the planting of 2 times the number of oak trees removed within an appropriate location on the property as	A letter from a certified arborist certifying that the replanting plan has been fully implemented shall be submitted to Planning Division	P	PD	FI __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	determined in consultation with a certified arborist with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.	staff prior to issuance of a Final Certificate of Occupancy.			
Impact TRANS-4: Transportation/Traffic. The proposed project has the potential to cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities.	MM TRANS-1: Employee shifts at the winery shall be scheduled so that no employees end their work day between 3:30 PM and 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.	A Transportation Demand Management Plan which prohibits winery employees from ending their work day between 3:30 PM and 6:00 PM on weekdays shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.	P	PD	FI __/__/__ OG __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	MM TRANS-2: Events at the winery shall be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.	A Transportation Demand Management Plan which requires events at the winery to be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.	P	PD	FI __/__/__ OG __/__/__
Impact TRI-1: Tribal Cultural Resources. The proposed project has the potential to impact resources of significance to a California Native American tribe.	MM TRI-1: Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Yocha Dehe Wintun Nation and a representative of Middletown Rancheria. Pre-construction coordination shall, at a minimum, include the following: (a) Submittal of copies of grading plans to the archaeological monitor and tribal representatives, concurrently with submittal of the grading permit application to the Napa County Planning, Building & Environmental Services (PBES) Department; (b) Execution of a Standard Monitoring Agreement with Yocha Dehe Wintun Nation and Middletown Rancheria; (c) Training of construction field crews, by an archaeological monitor and tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources; and (d) Presence of an archaeological monitor and tribal representative on-site during survey/marking and initial rough grading of improvements (new driveway, parking stalls, water storage and fire protection tank installation, and septic tank installation) on the Maxville Lake Winery parcel.	Concurrently with submittal of the grading application for Maxville Lake Winery parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the archaeological monitor and tribal representatives previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the archaeological monitor and tribal representatives upon receipt of the grading permit application.	P	PD	PC __/__/__

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PROJECT REVISION STATEMENT

Maxville Lake Winery Use Permit Major Modification #P17-00225-MOD & Use Permit Exception to Conservation Regulations No. P18-00189

I hereby revise Maxville Lake Winery Use Permit Major Modification #P17-00225 and Use Permit Exception to the Conservation Regulations No. P18-00189 for the new driveway as well as modifications to the permitted by appointment tours and tastings and marketing program on a 247.5-acre parcel (Assessor's Parcel No. 025-020-023) located at 4105 Chiles Pope Valley Road, St. Helena, CA, to include the measures specified below:

MM BIO-1: If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31.

MM BIO-2: Prior to commencement of vegetation removal and earth-disturbing activities during nesting season from March 15 to August 31, a qualified wildlife biologist shall conduct preconstruction surveys for Northern Spotted Owls using the U.S. Fish and Wildlife Service's (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (2012)* within 500-feet of earthmoving activities. The preconstruction survey shall be conducted no more than 14 days prior to vegetation removal and ground disturbing activities are to commence. A copy of the survey shall be provided to the County Planning Division and the California Department of Fish and Wildlife (CDFW) prior to commencement of work. If Northern Spotted Owls are found during preconstruction survey, a 500-foot no-disturbance buffer shall be created around active owl sites. These buffer zones may be modified in coordination with CDFW based on existing conditions at the project site. Buffer zones shall be incorporated into the project plans and maintained for the duration of the project. If a 15 day or greater lapse of project-related work occurs, another pre-construction survey and consultation with CDFW shall be required before project work can be reinitiated.

No surveys shall be required if construction activity occurs outside of the nesting season from March 15 to August 31.

MM BIO-3: Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15, when young bats would be able to fly and forage independently, and March 1 to April 15 to avoid hibernating bats, and prior to formation of maternity colonies. Any trees proposed for removal containing suitable bat roost habitat shall be removed using a two-day phased removal method. On day one (in the afternoon), limbs and branches would be removed using chainsaws only. Limbs with cavities, crevices, and deep bark fissures would be avoided. On day two, the rest of the tree would be removed under the supervision of a qualified bat expert. If tree removal must occur outside of the seasonal activity periods mentioned above, i.e., between October 16 and February 28/29,or between April 16 and April 30, a qualified bat expert should conduct pre-construction surveys within 14 days of starting construction. Survey methods, timing, duration, and species should be reviewed and approved by CDFW prior to starting construction. If bats or evidence of their presence is found during the survey then the qualified bat expert should develop a plan for removal and exclusion, in conjunction with CDFW.

MM BIO-4: Prior to project commencement, appropriate perimeter erosion and sediment control measures (i.e. silt fencing, straw waddles) shall be installed around any stockpiles of soil or other materials which could be transported by rainfall or other flows in order to reduce the possibility of soil erosion and sediments flowing into natural habitats. All access, staging, and work areas shall be the minimum size necessary to conduct the work, and shall be sited in previously developed areas to the maximum extent feasible. All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into the project area. No other debris, rubbish, soil, silt, sand, or other construction-

related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into wetland areas. All such debris and waste shall be picked-up daily and shall be properly disposed of at an appropriate facility. If a spill of fluid materials occurs, the area shall be cleaned and contaminated materials disposed of properly. The affected spill area shall be restored to its natural condition. Disturbance or removal of vegetation shall not exceed the minimum necessary to conduct the work.

MM BIO-5: To avoid potentially impacting seasonal wetlands and the intermittent stream, all road paving within 50 feet of the intermittent stream and seasonal wetlands shall be conducted during the dry season of May 1 to October 15 to minimize water quality impacts. Prior to construction, the delineated wetland boundary shall be demarcated in the field and an erosion control silt fence shall be installed between the edge of the delineated wetland boundary and the road to ensure all construction activities avoid the wetland, and no accidental discharge occurs. The fencing shall remain in place until construction is complete.

MM BIO-6: If any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California,* is proposed, consultation and permitting must be obtained from the U.S Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife prior to and during the construction.

MM BIO-7: Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.

MM BIO-8: Prior to final occupancy, an oak replacement and preservation plan shall be implemented in consultation with a certified arborist. The oak replacement and preservation plan is to include the planting of 2 times the number of oak trees removed within an appropriate location on the property as determined in consultation with a certified arborist with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.

MM TRANS-1: Employee shifts at the winery shall be scheduled so that no employees end their work day between 3:30 PM and 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.

MM TRANS-2: Events at the winery shall be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.

MM TRI-1: Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Yocha Dehe Wintun Nation and a representative of Middletown Rancheria. Pre-construction coordination shall, at a minimum, include the following: (a) Submittal of copies of grading plans to the archaeological monitor and tribal representatives, concurrently with submittal of the grading permit application to the Napa County Planning, Building & Environmental Services (PBES) Department; (b) Execution of a Standard Monitoring Agreement with Yocha Dehe Wintun Nation and Middletown Rancheria; (c) Training of construction field crews, by an archaeological monitor and tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources; and (d) Presence of an archaeological monitor and tribal representative on-site during survey/marking and initial rough grading of improvements (new driveway, parking stalls, water storage and fire protection tank installation, and septic tank installation) on the Maxville Lake Winery parcel.

Koko Nor Corporation further commit themselves and successors-in-interest to (a) inform any future purchasers of the property of the above commitments; (b) include in all property leases a provision that informs the lessee of these restrictions and binds them to adhere to them, and (c) inform in writing all persons doing work on this property of these limitations.

Koko Nor Corporation understands and explicitly agrees that with regards to all California Environmental Quality Act and Permit Streamlining Act (Government Code Sections 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date on which an executed copy of this project revision statement is received by the Napa County Department of Planning, Building and Environmental Services.

Koko Nor Corporation
(Owner)

6/26/2018.
Date