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CEQA Memorandum

O'Brien Winery P18-00175-MOD & Conservation Regulations
Exception P18-00305
Planning Commission Hearing March 20, 2019



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MEMORANDUM

To:	Planning Commission	From:	Jason R. Hade, Planner III
Date:	March 20, 2019	Re:	O'Brien Winery Use Permit Major Modification #P18-00175 & Use Permit Exception to the Conservation Regulations #P18-00305 Categorical Exemption Determination Assessor Parcel #035-041-015

Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed O'Brien Winery Use Permit Major Modification Application (File No. P18-00175) and Use Permit Exception to the Conservation Regulations (File No. P18-00305).

The project proposes:

Modification of an existing Use Permit (#U-378182) for an existing 20,000 gallon per year winery to allow the following changes:

- (a) Recognition of existing visitation of a maximum of 30 visitors per day; maximum 280 visitors per week;
- (b) Recognition of an existing marketing program with 12 events per year with a maximum of 30 guests for each event (all marketing events would continue to be catered);
- (c) Recognition of existing four (4) full time employees and three (3) part time employees;
- (d) Recognition of the conversion of approximately 380 square feet of existing production space to an existing tasting area;
- (e) The conversion of an existing approximately 1,250 square foot guesthouse to an ADA compliant office and bathroom;
- (f) On-premises consumption of wines produced on site in the tasting areas (indoor and outdoor) in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
- (g) The construction of two canopies totaling approximately 829 square feet to cover existing crush pad areas. A Use Permit Exception to the Conservation Regulations (P18-00305) is requested to construct the canopies (support columns) and curb within the 45-foot creek setback;
- (h) Addition of eight (8) parking spaces including one (1) Americans with Disabilities Act (ADA) space for a total of 14 parking spaces on-site;
- (i) Installation of four (4) 10,500 gallon water tanks, 150 square foot pump house; 136 square foot trash enclosure, new gate, well, and;

- (j) Removal of the existing entry structure, approximately 0.2 acres of vineyards; and the improvement of the existing driveway to Napa County Road and Street Standards.

Existing Setting

The project is located on a 26.93-acre parcel on the north side of Orchard Avenue. The General Plan land use designation is Agricultural Resource and is within the Agricultural Preserve (AP) zoning district; 1200 Orchard Avenue, Napa; APN: 035-041-015.

Development on the property includes: a residence, guesthouse, winery building, storage building, entry structure, a waste disposal system; six parking spaces, a well, and; approximately 22.47 acres of vineyards. Access to the property is from Orchard Avenue via a paved driveway. The nearest residence to the project site is approximately 675 feet to the northeast. A blue line stream traverses the site to the north of the existing winery structures.

Past Approvals

Use Permit U-378182 was approved by the Planning Commission for the subject site on July 21, 1982 permitting a maximum production capacity of 20,000 gallons per year with no public tours or tastings. A Minor Use Permit Modification (#00405-MOD) was approved by the Zoning Administrator on August 3, 2001 which authorized custom production of up to 10,000 gallons of wine per year by up to two custom producers (other entities than the winery itself), both of which are “alternating proprietors.”

CEQA Exemption Criteria and Analysis

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. This project qualifies as an exempt activity under three sections of Article 19: CCR §15301 (Class 1, Minor Alteration to Existing Facilities), which exempts interior alterations, §15303 (Class 3, New Construction or Conversion of Small Structures); and §15304 (Class 4, Minor Alterations to Land), which exempts minor trenching where the surface is restored as well as grading on land with a slope of less than 10 percent. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.

The conversion of an existing approximately 1,250 square foot guesthouse to an ADA compliant office and bathroom and conversion of approximately 380 square feet of existing production space to a tasting area qualifies as an exempt activity under Article 19: CCR §15301 (Class 1, Minor Alteration to Existing Facilities), which exempts interior alterations. Installation of four (4) 10,500 gallon water tanks, 150 square foot pump house, 136 square foot trash enclosure, new gate, and well qualifies as exempt under §15303 (Class 3, New Construction or Conversion of Small Structures) because of the limited size of these proposed improvements. Removal of the existing entry structure, approximately 0.2 acres of vineyards; and the improvement of the existing driveway to Napa County Road and Street Standards qualifies as exempt under §15304 (Class 4, Minor Alterations to Land), which exempts minor trenching where the surface is restored as well as grading on land with a slope of less than 10 percent. The proposed driveway improvements would generate approximately 400 cubic yards of cut and fill with the spoils to be placed on-site between the vine rows. No grading would occur in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.

Under CEQA Guidelines Section 15300.2, Class 3 and 4 Categorical Exemptions cannot be used if the project substantially affects mapped or designated environmentally sensitive areas or resources. Class 1 Exemptions are permissible within mapped and designated environmentally sensitive areas. The unnamed blue line stream which traverses the site is not mapped as an environmentally sensitive resource (source: Napa County Geographic Information System including California Natural Diversity Database layer). However, the stream is designated as a critical linkage riparian corridor. According to the County's resource maps, there are no scenic resources, hazardous waste sites, nor historic resources identified on the site.

The project does not result in substantial effects to mapped or designated environmentally sensitive areas or resources. No native trees or native vegetation will be removed to construct the project. No work would be performed within the defined bed and bank of the creek other than the construction of support columns for the proposed canopies on existing concrete pads and a six-inch curb along the perimeter of an existing paved area which can be accomplished without entering the bed and bank. The covering of the existing uncovered crush pads is required to address storm water quality control requirements to prevent process wastewater runoff into the unnamed blue line stream. Implementation of the proposed crush pad covers and curb would improve the existing condition at the subject site by preventing runoff into the stream. All other improvements within the stream setback are existing and would remain unchanged.

As noted above, the Use Permit Major Modification Application also requests recognition of existing visitation, marketing program, and employees. Although not initially permitted under Use Permit U-378182, these activities are already occurring at the subject site and no intensification of these activities is requested as part of this application. As described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018, the subject application was found to be substantially conforming prior to the submittal deadline of March 29, 2019 at 2:00 PM. Accordingly, the County may use the winery's existing operations as the environmental baseline for the CEQA analysis related to this application. No expansion of current operations is requested as part of this application.

Therefore, based upon the above analysis there is no reasonable possibility that the project would have a significant effect on the environment or damage scenic resources because there will be only minor changes to the existing structure and minimal physical changes to the project site. Based on the proposed project as described above, the O'Brien Winery Use Permit Major Modification Application and Use Permit Exception to the Conservation Regulations request meets the criteria for eligibility as a Class 1, Class 3 and Class 4 Categorical Exemption from CEQA.