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CEQA Memo)



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To:	Planning Commission	From:	Wyntress Balcher, PBES
Date:	June 29, 2020	Re:	Whitehall Lane Winery Hospitality/Storage Barn Use Permit Modification #P19-00346-MM Categorical Exemption Determination APN: 027-100-012

BACKGROUND

Pursuant to Section 303 of Napa County’s Local Procedures for Implementing the California Quality Act (CEQA), the Planning Building and Environmental Services Department has prepared this environmental evaluation for the proposed Whitehall Lane Winery Hospitality/Storage Barn Use Permit Modification Application (File No. P19-346-MM).

The project proposes: Approval of a Minor Modification of an existing 200,000 gallon/year winery established by Use Permit #U- 477677 to allow: 1) demolition and removal of an existing agricultural barn; 2) construction of a new ±811 ft² barn for hospitality and storage use; 3) revitalization of the garden for continued hospitality use with a new pergola, fence, cantilevered garden trellises, and landscape improvements; 4) improvements to the existing restroom for ADA accessibility; 5) all outdoor marketing events to end by 8:00 pm instead of 6:00 pm (Modification of Permit #95034-MOD COA#1(a)(4); 6) marketing event activities to use the new hospitality barn/storage building in addition to the existing, previously permitted former residence and garden area; 7) construction of an ADA accessible parking stall adjacent to the barn; 8) convert an existing free-standing bathroom to an ADA accessible bathroom; 9) install code compliant lighting; 10) all outdoor landscape lighting shall be turned off by 10:00 pm; and, 11) emergency and low-level security lighting to be permitted after 10:00 pm, but will be equipped with motion sensors.

Existing Setting

The existing on-site development includes: the winery with, ±36,000 ft² of production area, fermentation and tank rooms, barrel rooms, covered crush pad, wine storage and winemaker facilities, and accessory uses comprise ±7,200 ft². In addition to the winery complex, the property contains an existing former residence used for hospitality, barn and associated decks and garden area. Those improvements comprise approximately 4,613 ft². The winery covers just over 4% of the ±26- acre parcel. When the footprint of the former residence, barn and associated garden and decks are included, total coverage is less than 5% (1.3 acres) of the parcel.

The remaining acreage (± 24) is planted as vineyard. A left-turn lane on State Highway 29 was required by the original use permit, and has been installed. Properties in the vicinity of the project consist primarily of vineyard and rural residences. There is also a bed and breakfast establishment south of the project site.

Permit History

On October 24, 1987, the Board of Supervisors, on appeal, approved Use Permit U-477677 establishing a 50,000 gallons/year winery, with no tours and tastings. As outlined in the project application narrative, subsequent modifications were approved establishing public tours/tastings, closing hours at 6:00 pm, a Marketing Plan, use of the existing single family residence for marketing events, and an increase in production to 200,000 gallons/year. (See Permits #U-477677(MOD #1), #U-477677 (MOD#2), #95034-MOD; #97041-MOD; #96132-MOD; and #99149- MOD).

On July 26, 1995, Use Permit Modification #95034-MOD was filed requesting approval to add a Marketing Plan; allow use of an existing residence for marketing events; recognize the "as-built" configuration of the driveway, parking and turnaround; modify the lighting Mitigation Measure to allow use of the existing light fixtures; and expand the winery's hours from 4:00 pm to 6:00 pm. The Zoning Administrator approved recognition of the "as-built" configuration of the driveway, parking, and turnaround, but referred the other components of the project to the Planning Commission for consideration.

On December 13, 1995, Use Permit Modification #95034-MOD was approved by the Planning Commission to add a Marketing Plan; allow use of an existing residence for marketing events; and to expand the winery's hours from 4:00 pm to 6:00 pm. The Commission adopted a condition of approval imposing a curfew of 6:00 pm for outdoor marketing activities and 11:00 pm for indoor activities, with cleanup to be completed and the site vacated by midnight. The approved marketing plan allowed no more than 60 events per year with no more than seven (7) events per month with up to 80 guests at each event. Outdoor events are to end by 6:00 pm and indoor events are to end by 11:00 pm, with cleanup to end one hour after the conclusion of the event.

FINDINGS

Because of the minimal construction and limited operations, the Planning Commission can find the project to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and 15303. Section 15301, Class 1, exempts Minor Alterations to Existing Facilities and Section 15303, Class 3, exempt New Construction or Conversion of Small Structures. The exemptions may be found in the guidelines for the implementation of the CEQA at 14 CCR §15301 and §15303. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5

Historical Resources - The applicant submitted a "Historical Resource Evaluation of the CA. 1900 Barn within the Whitehall Lane Winery Property at 1563 St. Helena Highway, Napa", California", by Evans & De Shazo (October 1, 2019) to determine if the barn is considered a historical resource to address potential impacts to historical resources under CEQA. Research and a historical architectural survey were conducted and the evaluation determined that the CA 1900 barn does not meet the California Register of Historical Resources criteria, and is therefore not considered a historical resource under CEQA.

Noise - The Staff Report analysis for Modification #95034-MOD determined that the potential noise and light intrusion off-site from marketing events in the garden could be effectively mitigated by locating the public garden to outdoor space on the north or east side of the existing winery (away from off-site residential uses) or by establishing "a substantial 8-ft noise wall on the south and west side of the existing garden area."

The Commission imposed a 6:00 pm curfew and therefore the sound wall recommended at that time wall was not required as a project condition of approval. The applicant now requests that outdoor marketing event hours be allowed to end at 8:00 pm instead of 6:00 pm, again introducing a concern regarding noise and lighting impacts on the neighbors.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described above, land uses that surround the proposed project site are predominantly agricultural (vineyards) but include rural residential and a bed and breakfast; 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). Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery.

The nearest off-site residences in proximity to the outdoor hospitality area, west of the main winery building where marketing events would occur, are approximately 365 feet to the north and 500 feet to the south. Noise sampling performed under County authority (RGD Acoustics, November 16, 2015), as part of the analysis for the Bell Winery use permit modification (P13-00055), measured sound from an 85-person event using a meter placed 123 feet from the sound source (event). Measurements taken from that sound meter indicated that sound from the event exceeded 56 decibels 50 percent of the time. The studied event had five more attendees than the events approved for this project, so the noise level measured from the Bell Winery event is more conservative. The Bell Winery also had a live music act included in its event, and there would be no outdoor amplified sound at this winery. The noise study further states that sound levels are reduced with distance in accordance with the "inverse square law", which yields a six (6) dB sound reduction for each doubling of the distance from the source.

Thus, using the Bell Winery study as a model, and applying a six-decibel reduction per doubling of distance from the noise source, it is anticipated that exterior noise experienced 246 feet from the source (i.e. double the distance from the noise source) would be 50 decibels 50 percent of the time, which would not exceed the County Code standard of 50 decibels during 50 percent of daytime hours. There would be further incremental noise reductions below 50 decibels at the two nearest residences to the winery as the nearest residence is 365 feet to the north. In addition, the applicant proposes to plant new trees on the north and south sides of the outdoor hospitality, provide a vine covered trellis on the north side of the outdoor area, and install code compliant lighting (i.e. shielded and/or directed downward.)

Under Section 15300.2 of the CCR, a Class 1 and a Class 3 exemption cannot be used if environmental sensitivities exist at the site. All exemptions are disqualified from being used if the project will have cumulative impacts, create a significant impact due to unusual circumstances, damage a scenic resource within a state highway, be located on a site listed as a hazardous waste site or damage a historic resource. Further, exemptions cannot be used if the project may have an impact on environmental resource of hazardous or critical concern when where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.

Staff has reviewed the project location with the Napa County GIS maps and sensitivity layers and determined the project is not within any areas of hazardous or critical concern. The project is not located within a state scenic highway, it is not listed as a hazardous waste site, nor are there any recorded historic resources, as determined in the above referenced report, on the property. Having reviewed the application, Staff finds that no unusual circumstances appear to exist with this request. There are no proposed increases to annual wine production, employees, visitors, or marketing events. Consequently there will be no cumulative increases in water use, wastewater treatment or traffic. Therefore, these exemptions have been determined appropriate for the proposed project and this proposal meets the Categorical Exemptions listed above.