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Initial Study/Mitigated Negative Declaration

Benjamin Ranch Winery, Use Permit Application No. P13-00371-UP
Planning Commission Hearing, September 16, 2020

COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STEET, SUITE 210
NAPA, CA 94559
(707) 253-4417

Initial Study Checklist
(form updated January 2019)

1. **Project Title**: Benjamin Ranch Winery, Use Permit Application No. P13-00371-UP

2. **Property Owner:** Frank Family Vineyards, LLC

3. **County Contact Person, Phone Number and Email Address:** Brian Bordona, Deputy Planning Director, (707) 259-5935, brian.bordona@countyofnapa.org

4. **Project Location and Assessor's Parcel Number (APN):** 8895 Conn Creek Road, St. Helena, California; APNs 030-120-016 (54.64 acres) and 030-120-017 (30.42 acres)

5. **Project sponsor's name and address:** Frank Family Vineyards, LLC, 1091 Larkmead Lane, Calistoga, CA 94515

6. **General Plan description:** Agricultural Resource (AR)

7. **Zoning:** AP (Agricultural Preserve) District

8. **Background/Project History:** The two parcels that comprise the proposed project site at 8895 Conn Creek Road are a combined, approximately 85.1 acres in size and are currently planted with 47.5 acres of vineyards. On the smaller parcel (APN 030-120-017), in addition to vineyards, there is an approximately 11.7-acre-foot irrigation storage pond near the southwestern corner of the parcel and a single-family residence at the northeastern corner. A vineyard management company operates on the larger of the two parcels (APN 030-120-016), utilizing an existing structure that houses the vineyard management office and a barn and shed for storage of vineyard maintenance equipment. Existing residential and agricultural uses (vineyard and vineyard management) on the property are permitted uses of land in the AP District in which the property is located (Napa County Code Sections 18.08.040 and 18.16.020).

   Description of Project: The current property owner is requesting approval of a use permit application to establish a winery with development on 12.8 acres of the approximately 85.1-acre project site located at address 8895 Conn Creek Road. Prior to construction of the winery buildings, existing on-site access roads and structures used by the current vineyard management operation would be demolished, and existing vineyard acreage would be reduced from 47.5 to 42.7 acres. The new wine production buildings would be built generally in the area currently occupied by the vineyard management facilities, and the proposed hospitality building and visitor parking would be constructed near the existing pond. As a portion of the proposed buildings would lie in the Napa River floodplain, soil would be imported from an off-site property on Money Road, south of the site, for use as fill under the winery buildings to elevate and ensure the finished floors of the structures would sit above the floodplain. Also, prior to construction, the property owner intends to request a lot line adjustment to add acreage from APN 030-120-017 to APN 030-120-016. Once construction and the lot line adjustment are completed, all winery production and hospitality buildings, the existing pond, and the winery access road from Conn Creek Road/State Route 128 would be on the larger, approximately 64-acre flag lot created from the lot line adjustment. The smaller, approximately 21.1-acre parcel created by the lot line adjustment would have no winery facilities but would continue to have vineyards and a single-family residence.

   Once operational, the winery would:
   - Produce up to 475,000 gallons of wine per year;
   - Operate in approximately 87,292 square feet of buildings consisting of approximately 79,623 square feet of metal-framed, warehouse-type tank and barrel room buildings (of which 2,808 square feet would be winery accessory administrative and non-public/technical tasting room space) plus an approximately 7,669 square foot visitors' center with winery accessory uses that include administrative office, wine tasting rooms, and a commercial kitchen for preparation of food at smaller marketing events;
   - Have up to 75 on-site parking stalls and one loading area;

- Operate daily between the hours of 8:00 a.m. and 6:00 p.m. (excluding harvest/crush season);
- Employ up to 61 people consisting of the vineyard manager (existing), plus 30 full-time wine production employees, five seasonal day-time harvest employees, five seasonal night-time harvest employees, 15 full-time hospitality employees and five part-time hospitality employees;
- Offer retail sales of wine and wine-related items pursuant to California Business and Professions Code Sections 23358, 23390 and 23396.5, on approximately 1.3 acres of areas along the banks of the irrigation pond, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the proposed visitor parking lot;
- Offer wine tours & tastings by appointment (without food) for up to 400 guests per day, daily between the hours of 10:00 a.m. and 6:00 p.m.;
- Include a wine marketing plan consisting of:
    - Dinnertime marketing events for up to 24 guests per event, up to three days a week (Friday, Saturday plus one other day), for no more than 14 events per month;
    - Lunchtime marketing events for up to 16 guests per event, on up to 15 days per month;
    - Large marketing events for up to 150 guests per event, up to eight days per year (no more than two events in any month), with catered food and portable restrooms;
    - Participation in Auction Napa Valley with an event on-site for up to 150 people, with catered food and portable restrooms;
    - Food prepared on-site for the lunchtime and dinnertime marketing events, with food service excluding menu options and meal service that would be more characteristic of a café or restaurant;
    - Marketing events starting no earlier than 10:00 a.m. and ending no later than 10:00 p.m., excluding clean-up for one additional hour after the end of each event, and with event start and end times scheduled such that guests do not arrive or depart between 4:00 p.m. and 6:00 p.m.;
    - Valet parking for any wine marketing event for which anticipated parking demand would exceed available on-site supply; and
    - Marketing events with no outdoor amplified sound.

As proposed, the combination of marketing event guests and tours & tastings visitors would not exceed 400 on any given day (i.e., the number of daily tours and tastings would be reduced by a number equal to the number of guests planned to attend a marketing event on that same day).

Off-site, the proposed project includes widening of the paved surface of Conn Creek Road/State Route 128 and installation of a left-turn lane near the southeastern corner of the property at a new intersection with the proposed winery access road to be built parallel to the southern property line. On-site, the existing, southeasterly flow of stormwater across the property would be retained with the project, with runoff discharged to new bioretention and self-retaining areas and as overland flow to the vineyards. Permeable pavers would be installed in the parking lot and drop-off area of the visitors' center building to reduce runoff volumes from those surfaces. Treated winery process wastewater would be stored during winter months and applied as surface vineyard irrigation during summer dry months, while sanitary wastewater would be pretreated and dispersed via subsurface leachfields into soils among the vineyards on-site.

9. **Describe the environmental setting and surrounding land uses.**

The property is located in the Napa Valley, between the town of Yountville and the city of St. Helena. The eastern boundary of the property is approximately 1,000 feet east of the Napa River. The property is predominantly flat, planted in vineyards and substantially surrounded by similarly-developed, large parcels, as described below. All properties surrounding the project site are, like the project site, zoned AP District with a General Plan land use designation of Agricultural Resource.

North: An 87.5-acre vineyard parcel adjoins the northern boundary of the site. The large parcel also has a single-family residence and barn.

West: A 115-acre vineyard parcel adjoins the western boundary of the site. The Napa River lies further west of that parcel.

South: A 61.5-acre vineyard parcel adjoins the southern property line of the site. There is also a single-family residence on a 4.1-acre parcel, the northern edge of which is approximately 400 feet south of the project site's southern property line. Relatively smaller than the project site but similarly-developed vineyards, the 67-acre Honig Vineyard and Winery property and 39-acre Frog's Leap Vineyard and Winery property are also south of the site.

East: The right-of-way of Conn Creek Road/State Route 128 adjoins the eastern property line of the site. Conn Creek lies further east of the roadway, as does a 74-acre parcel planted entirely in vineyards.

Other wineries along Conn Creek Road in the general vicinity of the property include the Conn Creek Winery approximately 1 mile north of the project site, and Caymus Vineyards approximately one-half mile south of the project site.

10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
In addition to the use permit, the project would require various ministerial approvals by the County, including but not limited to building permits, grading permits, and sewage disposal system permits. The widening for and installation of a left turn lane in the Conn Creek Road/State Route 128 right-of-way would require an encroachment permit from the California Department of Transportation (Caltrans). Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies
California Department of Transportation (Caltrans): Encroachment permit for installation of a left-turn lane in the right-of-way of Conn Creek Road/State Route 128.

Other Agencies Contacted
Alcohol and Tobacco Tax and Trade Bureau (TTB)
California Department of Alcoholic Beverage Control (ABC)

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?
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 21080.3.2.) 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.

On April 11, 2016, Napa County Planning staff sent by certified mail invitations to consult on the proposed project to three 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. County staff received a letter from the Yocha Dehe Wintun Nation, who requested information about construction timing, depth of excavation needed for the project, and proposed mitigation measures. In July 2020, following reactivation of the application by the applicant following a period of dormant status, County staff provided the Yocha Dehe Wintun Nation with responsive information to their prior inquiries. County staff received no additional requests for information from the Yocha Dehe Wintun Nation subsequent to providing the response to the tribe's earlier inquiry.

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.

D.Ayers

Signature

August 13, 2020

Date

Name: Dana Ayers, Consultant Planner
Napa County
Planning, Building and Environmental Services Department

I.	**AESTHETICS.** Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

a-c. The 63.97-acre project site is located on the Napa Valley Floor and is not within a County-established viewshed. Based on County Planning staff observation during November 27, 2013, and August 7, 2020, site visits, the site is generally flat with no visible rock outcroppings. The preliminary stormwater control plan ("Stormwater Control Plan for a Regulated Project: Benjamin Ranch Winery, 8895 Conn Creek Road, Napa County, CA;" SCP) prepared for the applicant by Bartelt Engineering, more specifically describes the property as having no grades greater than two percent on-site (1).

With natural grades on the property at two percent or less, the construction proposed with the project would not be subject to the requirements of Napa County Code Chapter 18.106 (Viewshed Protection Program), which would otherwise subject development on the property to additional design criteria for projects built on slopes in excess of 15 percent. The proposed production area canopy, with the tallest peak of the proposed winery structures, would have a height of approximately 34 feet from grade, where height is measured as the average of the heights from grade of the roof's peak (37.5 feet) and gutter (30.5 feet), consistent with Napa County Code Section 18.104.120. This 34-foot building height would not exceed the maximum building height of 35 feet as allowed under Napa County Code Section 18.104.010. Decorative cupolas along the production building roofs would be approximately 41 feet above grade and also within maximum 50-foot height allowed for ornamental and architectural features not intended for human occupancy (Napa County Code Section 18.104.120, Subsection C).

The property fronts on Conn Creek Road, which is also State Route 128, a state highway under Caltrans jurisdiction. Effective January 1, 2020, State Route 128 was added to the California scenic highway system (Streets and Highways Code Section 263.1 as amended by Assembly Bill 998, Augiar-Curry). Based on this Assembly Bill and statute, State Route 128 is therefore eligible for official designation as a California scenic highway by Caltrans, upon the local agency's (Napa County's) preparation of a corridor protection program and Caltrans' acceptance of that program. Although it is eligible for designation, State Route 128 in the vicinity of the property is not an officially designated scenic highway because no corridor protection program has been established for the roadway. Nonetheless, the proposed project includes no construction or demolition of any buildings, nor removal of any existing mature trees, within 1,000 feet of the highway right-of-way. As such, the scenic appearance of the property as viewed from the highway would continue to be dominated by vineyards. Although the proposed buildings are within maximum allowable building heights identified in Napa County zoning regulations, this more than 1,000-foot proposed distance from the Conn Creek Road/State Route 128 right-of-way would also have the effect of making the proposed buildings less prominent from the vantage point of the state highway. Therefore, this impact would be less than significant.

d. Hours of operation of the winery are proposed to be between 8:00 a.m. and 6:00 p.m., excluding the harvest/crush season between August and October, when hours of operation of many wineries extend into nighttime hours to allow grape harvesting during cooler hours. Thus, late, nighttime production lighting (after 6:00 p.m.) would not occur for most months of the year, though marketing events would be permitted to occur until 10:00 p.m. If the use permit is approved, the winery would be subject to the County's standard conditions of approval for wineries that limits outdoor lighting to the minimum necessary for operational and security needs. Up-lighting of buildings and landscaping is prohibited. The winery operators must keep lighting fixtures as low to the ground as possible and include shields to deflect their light downward. Avoidance of highly reflective surfaces would be required, as well, by the standard County conditions. These conditions would apply to all winery activities (excluding harvest activities), including any events that would occur outdoors, and the

permittee would be required to demonstrate compliance with the condition in the permittee's submittal of a building permit application for any winery buildings. The text of the County's applicable standard conditions of approval is reproduced below:

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.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

Ongoing operations of the winery would also be subject to compliance with the following standard condition of approval:

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.

b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.

d. Designated trash enclosure areas shall be made available and properly maintained for intended use

Mitigation Measures: None required.

II.	**AGRICULTURE AND FOREST RESOURCES.**[1] Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
	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?	☐	☐	☒	☐

[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
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/e. With the exception of that portion of the property on which the single-family residence was built at the northeast corner of the site and that is designated as Urban and Built-up Land, the majority of the approximately 85.1-acre project site is designated as Prime Farmland by he California Department of Conservation (ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nap16.pdf, viewed May 12, 2020). The proposed project would demolish existing vineyard management equipment storage buildings and construct approximately 87,300 square feet of winery production and hospitality buildings on 12.8 acres in roughly the same location as the structures to be demolished. The proposed project elements would result in reduction of on-site vineyard area from 47.5 acres to 42.7 acres. Even with the reduction in acreage due to introduction of a wine-making facility, the property would be maintained in agricultural use according to the Napa County General Plan definition of agriculture. More specifically, Napa County General Plan Policy AG/LU-2 states that the "continuation of the processing of agricultural products (in this case, grapes into wine) and expansion of the related, accessory uses (such as sales and marketing of agricultural products) are agricultural uses of land." Therefore, the proposed project would have a less than significant impact with respect to conversion of farmland to non-agricultural use.

b. Napa County's zoning of the property is agricultural; specifically, the site is in the AP (Agricultural Preserve) District. The proposed winery is consistent with the property's zoning, as Napa County Code Section 18.08.040 includes wineries and related, accessory uses in the definition of agriculture, and Napa County Code Section 18.16.020 lists wineries and related, accessory uses as conditionally permitted uses of land in the AP District. There is no Williamson Act contract in effect on the property. This impact is less than significant.

c/d. The project would not have an impact on forest resources. The site is currently developed with vineyard, and there are no existing forest resources on the project site. The proposed project site is not zoned for forest or timberland use.

Mitigation Measures: None required.

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:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) 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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely 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 (CEQA). 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 the agencies' 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 such analysis 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/b. 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 $PM_{2.5}$, 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 $PM_{2.5}$ occasionally does reach unhealthy concentrations. There are multiple reasons for $PM_{2.5}$ exceedances in Napa County. First, much of the County is wind-sheltered, which tends to trap $PM_{2.5}$ 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 $PM_{2.5}$ 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 (NO_X and ROG), carbon monoxide (CO), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). Other criteria pollutants, such as lead and sulfur dioxide (SO_2), 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. The project encompasses approximately 79,623 square feet of enclosed or covered floor area (winery production tank and barrel storage buildings with administrative offices), plus approximately 7,669 square feet of space dedicated to tasting/hospitality uses in the proposed visitors' center. Compared to the BAAQMD's screening criteria of 541,000 square feet (general light industry) and 47,000 square feet (high quality restaurant) for NO_X, the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (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 have a significant impact on air quality individually nor contribute considerably to any cumulative air quality impacts.

In 2017, the BAAQMD adopted an updated Clean Air Plan that outlines a regional program and a set of measures to reduce the emissions of ozone, ozone precursors, particulate matter, toxic air contaminants, greenhouse gases, and other sources of air pollution. As noted in the Clean Air Plan (2-5), the nine-county San Francisco Bay Area as a region is in non-attainment status for achievement of state and federal standards for ozone and particulate matter (PM_{10} and $PM_{2.5}$). Primary sources of ozone and PM in the Bay Area include combustion (e.g., burning of fossil fuels, wood or vegetation), fugitive dust from earth-moving activities, and vehicle use (including engine combustion and tire and brake pad wear).

The proposed project would not conflict with nor obstruct the implementation of the applicable air quality plan. Wineries in general are not producers of air pollution in quantities substantial enough to result in an air quality plan conflict. Over the long term, emissions resulting from the proposed winery use would consist primarily of mobile sources, including emissions associated with vehicle trips to and from the site.

As noted above, the combustion process of engines in passenger and heavy duty vehicles is a source of air pollutants, including particulate matter as well as carbon dioxide and nitrogen dioxide, two precursors to formulation of ozone. In general, emissions of diesel particulate matter have and are expected to continue to decrease over time due to tighter regulations of the California Air Resources Board and BAAQMD programs (2-25). Still, the Clean Air Plan acknowledges that $PM_{2.5}$ continues to be the "most harmful air pollutant to Bay Area residents" (2-26), and that "no safe threshold of exposure to PM has yet been identified, [so] it is important that we continue efforts to further reduce PM emissions and concentrations" (2-25, 2-26). In the case of the specific project, post-entitlement emissions from heavy duty on-road diesel vehicles (freight trucks) introduced for wine and case goods transport are anticipated to be partially offset by the reduction or elimination of truck trips currently being taken to off-haul grapes grown on the property to other sites for processing.

The project proponent identified in the use permit application measures listed in the 2017 Clean Air Plan with which the proposed winery operations would be consistent, including intent to install a solar water heating system, energy-conserving lighting, a cool roof, and deciduous shade trees (purple plum and Chinese pistache) along the southern elevations of the barrel room and hospitality building (Napa County Voluntary Best Management Practices [BMP] Checklist for Development Projects, BMP-8, BMP-9, BMP-10, BMP-20). These measures are intended to reduce demand for energy for space conditioning; the cool roof system reflects light and heat of the sun, while the deciduous trees provide shade to cool the buildings in summer months and conversely drop leaves in fall to allow sunlight to penetrate into the buildings for warmth in winter months. A solar water heating system and energy-conserving lighting are also intended to reduce fossil fuel-related energy demands of the proposed winery buildings, and each of these measures is consistent with Measures BL2

(Decarbonize Buildings) and EN2 (Decrease Electricity Demand) of the 2017 Clean Air Plan. Other BMPs proposed by the applicant, including recycling 75 percent of waste (BMP-17), would reduce landfill-related GHG emissions as well as emissions from truck trips to transport solid waste. While certain components of the requested use permit would implement elements of the Clean Air Plan, the proposed project would not implement other measures of the Plan that are are more generally applicable to heavy industrial rather than winery and hospitality uses are. As such, the requested use permit would not obstruct implementation of the applicable Clean Air Plan for the San Francisco region.

In the short term, potential air quality impacts are most likely to result from earthmoving required for grading of the winery building pads, parking areas, new winery access road, and widening of Conn Creek Road/State Route 128. Although there are no schools or healthcare facilities within one mile of the proposed winery, there is an existing residence within 500 feet of the proposed location of the new winery access roadway. Earthmoving and construction emissions would be short-term, consisting mainly of dust generated during grading activities and exhaust emissions from construction-related equipment and vehicles during the estimated eight weeks of site grading. The temporary nature of the work and compliance with Napa County standard conditions (listed below) would not cause a substantial increase in particulate matter and therefore, would result in a less than significant construction impact related to the region's current non-attainment status for particulate matter.

The applicant's engineer estimates that site grading and preparation associated with the project would occur over eight weeks (40 workdays). With an estimated 21,000 cubic yards of earthwork estimated to occur for construction of the winery buildings, parking lots and roads; applying the heavy- and light-duty construction equipment exhaust emission factors of the BAAQMD (see 1999 CEQA Guidelines, table 7); and an estimated 40-workday timeframe for grading and site preparation, the emissions from vehicles used in the construction of the project site improvements are estimated as shown in Table 1. For information and comparison, the table includes the thresholds of significance for project construction and operations emissions (see the 2017 CEQA Guidelines, table 2-1) in the summary below. Average daily emissions in pounds are converted to kilograms (where one pound equals 0.45 kilograms), for consistency in the units across the table:

Table 1: Average Daily Emissions from Grading and Site Preparation

Contaminant	Emission Factor (grams/yard^3)	Total Estimated Project Emissions (kilograms, kg)	Daily Emissions Estimated for Project (kg)	Daily Emissions, Threshold of Significance
Reactive Organic Gases (ROG)	9.2	194	4.9	24.5 kg (54 pounds)
Oxides of Nitrogen (NO_x)	42.4	891	22.3	24.5 kg (54 pounds)
Particulate Matter (PM_{10})	2.2	47	1.2	37.2 kg (82 pounds)

The BAAQMD recommends incorporating feasible control measures as a means of addressing construction-related air quality impacts, and with application of these measures, indicates that air pollutant emissions from construction activities would be considered a less than significant impact. These measures are incorporated into the County's standard conditions of project approval and include the following. It is noted that the estimated project emissions per day summarized in the above table are considered to be conservative estimates, as they represent uncontrolled emissions (i.e., activities occurring without inclusion of any of the control measures listed below):

7.1.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:

A. 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.

B. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.

C. Cover all haul trucks transporting soil, sand, or other loose material off-site.

D. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

E. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

F. 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.

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

H. 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/perpfaq_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.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 miles per hour.

With the project proponent's adherence to these relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered to be less than significant. The temporary duration of the work would not cause a substantial increase in particulate matter, and compliance with standard conditions would reduce to less than significant the proposed project's construction impact related to the region's current nonattainment status for this criteria pollutant.

c/d. The BAAQMD defines public exposure to offensive odors as a potentially significant impact. However, land uses that are more commonly known generators of offensive odors typically include landfills and transfer stations, wastewater treatment plants, refineries, and heavy industrial and manufacturing plants. Production of wine and storage of wine barrels are not land uses that are typically associated with generation of offensive odors comparable to these types of industrial uses. Consistent with General Plan Policy AG/LU-15, odors that are associated with production of wine and other food and beverage production facilities are considered acceptable elements of the County and its agricultural development goals. There are no other substantial air pollutant emissions that would be expected to occur for the winery beyond those discussed herein, and the nearest sensitive receptors (residences located on APNs 030-120-015 and 030-090-031) are over 1,000 feet northeast and southeast of the proposed winery and hospitality buildings. This impact would be less than significant.

Mitigation Measures: None required.

IV.	**BIOLOGICAL RESOURCES.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
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 Wildlife or the 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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c)	Have a substantial adverse effect on state or federally protected wetlands (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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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. **2013/2017 Biological Survey Results and Conclusions:**

In 2013, the applicant commissioned a reconnaissance-level biological survey by LSA Associates, to identify the incidental or potential presence of special-status plant or wildlife species individuals or habitat on the property. For the purposes of the report, special-status species were defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (ESA);
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
- Plant species assigned to the California Native Plant Society (CNPS) California Rare Plant Ranks of 1A, 1B, and 2;
- Animal species designated as Species of Special Concern by the California Department of Fish and Wildlife (CDFW);
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of CEQA guidelines; and/or
- Considered to be a taxon of special concern by relevant local agencies.

The survey included a desktop review of the CDFW California Natural Diversity Database (CNDDB) records to identify potential locations of special-status species on properties near the project site. In 2013, the CNDDB records within 2 miles of the project site identified three special-status plant and four special-status wildlife species that had been identified in surveys of other sites. These species included: Clara Hunt's milk-vetch (*Astragalus claranus*), green jewelflower (*Streptanthus hesperidis*), Jepson's leptosiphon (*Jepson's leptosiphon*), foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Actinemys marmorata*), bald eagle (*Haliaeetus leucocephalus*) and pallid bat (*Antrozous pallidus*).

The site-specific survey performed on April 24, 2013, did not result in identification of any special-status species or habitat present on the property, finding that this was likely due to the developed condition of both parcels as vineyards and the lack of native vegetation or naturally-occurring aquatic features which would be required to provide habitat for sensitive-species. The existing human-built irrigation/fire suppression water storage pond on APN 030-120-017 lacks connection to the Napa River to the west, or to Conn Creek to the east. Thus, in 2013, the conclusion was drawn that there is little to no likelihood for the yellow-legged frog or western pond turtle to reside on or traverse the property. The 2013 report concluded that the seven sensitive species listed in the CNDDB records were not likely to occur on the property due to the development of the project site with extensive vineyards, and, consequently, lack of special-status species food sources and/or habitat features. The project site lacks any naturally-occurring water features. The LSA memorandum also did not indicate that bald eagles or their nests had been observed anywhere on the property. During the survey, the applicant's biologist observed common wildlife species such as American crow (*Crovus brachyrhynchos*) and northern mockingbird (*Mimus polyglottos*), as well as common agricultural and ornamental trees such as English walnut (*Juglans regia*) and Brazilian peppertree (*Schinus molle*).

The 2013 LSA memorandum indicates that bat species could be present on site within the aging buildings and existing trees slated to be removed. The applicant commissioned a survey for potential presence of bats, which was completed by Wildlife Research Associates (WRA) in July 2013. The bat survey report provided methods, results and recommendations for removal of trees and buildings on the site. After WRA conducted subsequent site visits in March 2016 and February 2017 and found no day-roosting bat presence and "very few signs of night-roosting" bat activity within a farmworker dwelling, bungalow, a storage building, and a residential building, the structures were demolished (Napa County Building Permits Nos. B17-00507 and B06-00396). During the February 2017 site visit, and prior to the property owner conducting repair work to the existing barn (Napa County Building Permit No. B17-00377), WRA also confirmed no bat presence in that structure. The current scope of work as of June 2020 now proposes that the existing barn is to be removed to accommodate one of the new production buildings.

The 2013 LSA memorandum indicates that the ornamental trees and shrubs around the existing farm buildings could provide nesting habitat for birds, many of which are protected under the federal Migratory Bird Treaty Act (MBTA) and CDFW Fish and Game Code. The

current scope of work as of June 2020 now proposes the removal of upwards of 20 non-native, ornamental and fruit trees that would be removed to accommodate the new buildings on the properties.

2020 Database Search Update and Mitigation Measures

An updated database search for potential special-status species on site was performed in June 2020. The following databases were evaluated including:

- Aerial imagery available via Google Earth which included from 1993 – 2018,
- CDFW CNDDB,
- CNPS online Inventory of Rare and Endangered Vascular Plants of California,
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal,
- USFWS Information for Planning and Conservation (IPaC) Report,
- Natural Resources Conservation Service (NRCS) Web Soil Survey,
- USFWS National Wetlands Inventory Mapper, and
- Relevant US Geological Society (USGS) topographic quadrangles.

Per Google Earth aerial imagery, the site and habitat conditions observed in the April 2013 biological survey remain largely intact with the exception that several outbuildings were removed in 2017. The project site continues to lack any naturally-occurring water features, and the existing human-built irrigation pond lacks connection to the Napa River to the west or Conn Creek to the east. The existing irrigation and fire suppression water storage pond on APN 030-120-017 remains functional. A query of the NRCS Web Soil Survey, USFWS National Wetlands Inventory Mapper, and relevant USGS topographic quadrangles did not result in any evidence that there are wetlands or naturally-occurring waterways or other aquatic features on-site.

To update the evaluation of presence or the potential for presence of special-status plants or wildlife species on the property, the CDFW CNDDB, CNPS Inventory of Rare and Endangered Vascular Plants in CA, USFWS Critical Habitat Portal, and USFWS IPaC system were queried. The following species were either observed within 2 miles of the project site (CNDDB), within the Rutherford Quadrangle (CNPS Plants) or are known from Napa County (USFWS IPaC):

- Wildlife
    - Foothill yellow-legged frog – State candidate for threatened, species of special concern
    - Bald eagle – State endangered, federally delisted, federally protected
    - Western pond turtle – Species of special concern
    - Pallid bat – Species of special concern
    - Swainson's hawk (*Buteo swainsoni*) – State threatened
    - Northern spotted owl (*Strix occidentalis caurina*) – State threatened, federally threatened
    - Green sea turtle (*Chelonia mydas*) – Federally threatened
    - California red legged frog (*Rana draytonii*) – Species of special concern, federally threatened
    - Delta smelt (*Hypomesus transpacificus*) – State endangered, federally threatened
    - California freshwater shrimp (*Syncaris pacifica*) – State endangered, federally endangered
- Plants
    - Jepson's leptosiphon – CNPS Rank of 1B.2
    - Clara Hunt's milk-vetch – Federally endangered, state threatened, CNPS Rank of 1B.1
    - Green jewelflower – CNPS Rank of 1B.2
    - Bent-flowered fiddleneck (*Amsinckia lunaris*) CNPS Rank of 1B.2
    - Napa false indigo (*Amorpha californica*) CNPS Rank of 1B.2
    - Rincon Ridge manzanita (*Arctostaphylos stanfordiana* var. *repens*) CNPS Rank of 1B.1
    - Narrow-anthered broadiaea (*Brodiaea californica* var. *leptandra*) CNPS Rank of 1B.2
    - Rincon Ridge ceanothus (*Ceanothus confuses*) CNPS Rank of 1B.1
    - Calistoga ceanothus (*Ceanothus divergens*) CNPS Rank of 1B.2
    - Sonoma ceanothus (*Ceanothus sonomensis*) CNPS Rank of 1B.2
    - Greene's narrow-leaved daisy (*Erigeron greenei*) CNPS Rank of 1B.2
    - Cobb Mountain lupine (*Lupinus sericatus*) CNPS Rank of 1B.2
    - Sonoma beardtongue (*Penstemon newberryi* var. *sonomensis*) CNPS Rank of 1B.3

The updated desktop review performed in June 2020, identified six additional wildlife species, and 10 additional plant species requiring evaluation for potential presence at the project site. There is no known USFWS designated critical habitat within the Project Site. As both parcels comprising the project site remained in a developed condition as vineyards, lacking native vegetation or naturally-occurring aquatic features that would provide habitat or migratory wildlife corridors for sensitive-species, the additional sensitive species evaluated are not likely to occur on the property. Swainson's hawk may be found foraging the project site but are unlikely to nest within the site's existing

trees. Impacts to bat species through the removal of existing structures, and to nesting birds through the removal of nesting vegetation, are potentially significant and are addressed by Mitigation Measures BIO-1 and BIO-2 listed below.

b/c. The project would have no impact on riparian habitat or wetlands, as there are no naturally occurring water or wetland features on the property to be disturbed, filled or modified by the project. The existing irrigation and fire suppression water storage pond on APN 030-120-017 is an isolated human-constructed feature not present on the site nor visible on aerial photographs of the site prior to 1968. The USGS topographic map included in Appendix A of the geotechnical report, submitted with the use permit application, did not indicate any blue line streams on either of the proposed project parcels. The May 14, 2013, letter from Malcolm Sproul (LSA Associates) to Lynn Sletto (Frank Family Vineyards) also submitted with the use permit application, notes that the artificial irrigation pond is the only aquatic feature on the project site.

The two nearest, naturally-occurring water features are off-site of the property and include the Napa River over 2,000 feet west of the proposed winery buildings, and Conn Creek over 1,000 feet east of the proposed winery buildings. The proposed winery buildings, landscaping, utilities and parking and work areas would be well outside of the required 45-foot minimum setback established under the water quality and riparian area Conservation Regulations identified in County Code Chapter 18.108. Aerial photography from as early as 1948 reflects that the property has been in agricultural use and planted with orchards or vineyards for 70 or more years (www.historicaerials.com, viewed May 28, 2020). Thus, the property's native habitat value has long been removed to accommodate ornamental landscaping, introduced orchard or (currently) wine grape vines, and agricultural management buildings. Construction of proposed new winery production and hospitality buildings and related infrastructure would occur on a centralized area of the property that has been previously graded and planted is currently being used for agricultural management or vineyard purposes. The project is anticipated to have no impact.

d. There are no native wildlife nurseries within the project site. Properties adjoining the site in all directions are also developed with vineyards on large parcels that are 50 or more acres in size. Winery buildings and related infrastructure, including parking, would cover less than seven percent of the total site area (*see Use Permit Plans, Winery Development Area Exhibit*), leaving the majority of the site in vineyard plants that would not inhibit wildlife movement that might occur between the Napa River and Conn Creek, though it is noted by reference to the LSA memorandum, that there is no notable population of native plants or substrate remaining on the project site. As neither the Napa River nor Conn Creek are within the boundaries of the project site parcels, the project would not interfere with wildlife movement along either of those riparian corridors. The project impacts are anticipated to be less than significant.

e. Demolition plans and site photographs submitted with the use permit application identified that as many as 20 non-native, ornamental and fruit trees would be removed to accommodate the new buildings on the properties. The trees to be removed are in the previously developed, central area of the property that is currently used for vineyard management operations and equipment storage. These non-native, ornamental and fruit trees were likely intentionally planted along with the buildings and utilities infrastructure that were previously installed on the property given that they located near the perimeters of existing structures. Trees to be retained on site include a mature fig and several large coast redwoods (*Sequoia sempervirens*) alongside the proposed access road between the production buildings and the visitor parking lot. Trees to be removed from the site include fruit trees (peach and fig) and ornamental trees (juniper, English walnut, silver maple, sycamore. mulberry and cedar).

Although General Plan Conservation Element Policy CON-24 lists trees and land cover types (primarily oak species and oak woodlands) that the County desires to retain, none of the tree species identified for removal are among those listed in the resource conservation policy of the General Plan. As the site has been predominantly planted in vineyards, there are no oak woodlands on the property. The project impacts are anticipated to be less than significant.

f. There is no habitat conservation plan (HCP) or natural communities conservation plan (NCCP) that has been adopted or is being implemented in unincorporated Napa County. The project is anticipated to have no impact.

Mitigation Measures:

IMPACT BIO-1: Potential Disruption of Bats Due to Building Removal

The current proposed scope of work includes the removal of an existing barn and agricultural building. Per the 2017 WRA reports, once performed, bat surveys only valid for 180 days. Mitigation Measure BIO-1 below includes best management practices to avoid and minimize for specific impacts to bat species.

Mitigation Measure BIO-1:

A) Prior to the removal of any existing buildings, a Bat Habitat Assessment and Survey shall be performed for the structures proposed for demolition. A bat biologist shall survey for past or present use of the structure for roosting bats and make recommendations for avoidance and minimization of direct mortality.

B) If recommended by the bat biologist, demolition of structures should occur during daylight hours and within 180 days of the survey. Demolition of structures shall only be undertaken once the structures have been designated as clear of roosting bats by a bat biologist.

IMPACT BIO-2: Potential Disruption to Birds Due to Tree Removal

The current proposed scope of work includes the removal of nesting bird habitat in the form of upwards of 20 individual trees and scrubs, whose continued presence on site through at least September 2018 has been confirmed through the June 2020 database evaluation. Mitigation Measure BIO-2 below includes best management practices to avoid and minimize specific impacts to protected nesting bird species.

Mitigation Measure BIO-2:

A) A pre-construction nesting bird survey shall be conducted within a buffer zone of the Project Area by a qualified biologist prior to vegetation removal and construction activities during the nesting season of February 15 to August 31. The first survey shall be conducted no more than seven days prior to the start of construction. Surveys should be repeated every 14 days during construction if nesting habitat remains within the buffer zone. Survey methods should include protocol for the detection of general nesting raptor and passerine species.

B) Appropriate buffer zones shall be placed around any nests found during the survey. No work shall be conducted within the buffer zones until the qualified biologist has determined that the nesting attempt is complete. The buffer distance shall be determined by the qualified biologist, based on several factors including, but not limited to: scope of construction work to be completed, species, nest site characteristics, and the acclimation of the nesting birds to disturbance. Input on buffer size may be required from the CDFW and other interested agencies. If work is slated to occur within the buffer zone, a biological monitor with stop work authority may be utilized to observe for disturbance to the nest. This mitigation measure does not preclude the possibility that active nests may occur outside of the listed nesting bird season date range.

Significance after Mitigation:

The project is not anticipated to substantially impact any special-status or otherwise protected species with implementation of the Mitigation Measures BIO-1 and BIO-2. The project impacts are anticipated to be less than significant with mitigation incorporated.

V.	**CULTURAL RESOURCES.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Discussion:

a. After demolition of the farm labor dwelling, bungalow, storage building and residence referenced in Section IV, Biological Resources, of this initial study, the vineyard management office building, a barn and an agricultural equipment shed currently remain on the property. The barn and agricultural equipment shed are proposed to be demolished with the project. In her 2013 evaluation prepared for the applicant and submitted with the use permit application, architect Juliana Inman determined that the existing barn that remains on the property does not have historical integrity. Although the reviewer noted that the barn is an early 20th century structure and therefore nearly or more than 100 years old, she also noted that the building has been substantially altered with new board and batten siding, new eaves, and new metal roof, such that little of the original structural material remains. With this, the barn lacks the materials and worksmanship of the original structure that is necessary to consider the building historically significant. Two other buildings, which the architect also indicated lack historic significance because they were relocated from Bothe Park offsite (and therefore, lack setting) have already been demolished. Another building currently remaining on-site but not included in the Inman memorandum is the agricultural equipment shed being used by

the vineyard management company. This single-gable structure appears in aerial photos as early as 1968, with an addition built some years later. It is partially enclosed, with corrugated metal walls and single-paned metal framed windows on the northern and western sides, but is otherwise an open structure used for storage of vineyard maintenance equipment and tools. The building is in fair condition, with several metal panels showing rust or warping, and it has no unique architectural features such as ornamental corbels, rooflines, materials or construction methods or that would add any architectural distinction to the structure so as to make it worthy of retention. The project's impact would be less than significant.

b/c. Archaeological Services, Inc., conducted a cultural reconnaissance of the property on behalf of the applicant. Their reconnaissance consisted of a records search, attempts to outreach to the Ya-Ka-Ama and Mishewal-Wappo Tribe of Alexander Valley, and on-foot survey of the ground where the production buildings are proposed to be built. They did not find cultural resources within the project boundaries, and their methodology and conclusions were documented in a report dated May 2, 2013. During November 27, 2013, and August 7, 2020, visits to the site, Planning staff observed no unique geological features on the property, which has been significantly disturbed through past construction and grading activities associated with the existing and now demolished structures and previously-established agricultural (vineyard) use of the project site. There are no known archaeological resources on the property; however, the Archaeological Services reconnaissance report notes that there are "[s]everal [recorded] prehistoric archaeological sites and historic sites… in the general vicinity and in similar environmental settings to that of the study area" (4). If contractors or the property owner finds culturally significant historic resources during any earth-disturbing activities associated with the construction of winery buildings or related utilities and surface improvements proposed with the project, construction is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with the following Napa County 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 [Planning, Building and Environmental Services] 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.

The permittee's and the permittee's contractors' compliance with the standard condition of approval, above, would reduce potential impacts to archeological resources on-site to less than significant.

Mitigation Measures: None required.

VI.	**ENERGY.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Discussion:

a/b. The project would consist of new construction of winery production and hospitality buildings, all of which must be designed to comply with the Building Energy Efficiency Standards of the California Code of Regulations, Title 24, Part 6 (California Energy Code) and Part 11 (California Green Building Standards Code). These standards are updated every three years, and the most recent update of the standards in 2019 became effective January 1, 2020. The standards are intended to reduce wasteful consumption of energy in new buildings and building additions, and they are one means to facilitate implementation of broader efforts such as the energy efficiency goals of the

California Public Utilities Commission. The applicant for the project must demonstrate compliance with the standards in plans and supporting analyses submitted with the building permit application for construction of the project.

Though plans submitted with the use permit application are more conceptual than plans required for a building permit, the information included with the use permit application in the Voluntary Best Management Practices Checklist for Development Projects indicated the applicant's intent to utilize solar water heating (BMP-8), energy-conserving lighting (BMP-9), and to install shade trees and a cool roof (BMP-20 and BMP-10), all of which would conserve energy associated with project operations. With implementation of thes BMPs and mandatory compliance with California Energy and Green Building Standards Codes, the project's impact would be less than significant.

Mitigation Measures: None required.

VII. **GEOLOGY AND SOILS.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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 direct or indirect 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?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Discussion:

a/c. Regional mapping shows much of the Napa Valley Floor, where the subject property is located, as surficial deposits with low risk of landslides (Metropolitan Transportation Commission/Association of Bay Area Governments [MTC/ABAG] Hazard Viewer Map, online at https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8, viewed May 4, 2020). As interpreted

from the project civil plans, risk of landslide on the specific project site is less than significant because the site is generally flat, with an elevation differential of approximately 10 feet across the length of the approximately 1,000-foot distance between the front property line at Conn Creek Road/State Route 128 and the proposed winery and hospitality buildings. The 2018 "Stormwater Control Plan for a Regulated Project: Benjamin Ranch Winery, 8895 Conn Creek Road, Napa County, CA," (SCP) completed by the applicant's engineer, further notes that the maximum slope in the proposed development area does not exceed two percent (1).

According to the preliminary geotechnical report prepared in 2013 by RGH Consultants for the initial use permit application, there are no mapped faults on-site and no landforms on-site that would indicate the presence of a fault on the property (5), so there would be little project impact related to rupture of a known fault. However, the project would introduce new structures with human occupancy in a seismically active region that is subject to strong seismic ground shaking.

The RGH preliminary geotechnical report notes that closest active fault to the property is the West Napa fault located approximately 5 miles east of the site. The property is approximately 8 miles northeast of the Alquist-Priolo designated fault zone of the West Napa fault and is outside of any other Alquist-Priolo Earthquake Fault Zone designated by the California Department of Conservation (California Earthquake Hazards Zone Application, online at https://www.conservation.ca.gov/cgs/geohazards/eq-zapp, viewed May 4, 2020). Although no fault zone underlies the property, the preliminary geotechnical report acknowledges that the site is generally located within a region of active fault zones, including those of the San Andreas, Healdsburg-Rodgers Creek, Concord-Green Valley and Cordelia faults, mapped segments of which are 14 to 35 miles from the subject site (5). Movement along any of these faults listed in the preliminary geotechnical report, as well as other regional faults not listed and including the Hayward, Berryessa and Mayacamas faults, is anticipated to result in intensities of VII to VIII on the Modified Mercalli Scale at the project site according to the MTC/ABAG Hazard Viewer Map. These "strong" to "very strong" intensities could result in some damage to poorly-constructed buildings, weak foundations, and some masonry building elements. The preliminary geotechnical report provides recommendations in compliance with California Building Code for seismic design of structures so as to minimize potential earthquake-related damage to proposed new buildings.

Given the requirement for new structures to comply with the seismic standards of the California Building Code and Occupational Health and Safety Administration regulations (i.e., bracing of barrel storage racks), damage to the new winery and hospitality buildings proposed to be built on the property is anticipated to be minor and would not expose people to substantial hazards related to ground shaking during and earthquake. Concurrently with submittal of a building permit application for the proposed new buildings, the property owner must submit a final geotechnical report with criteria for grading, fill, site preparation, building foundations and other structural elements of the buildings. The recommendations of the final geotechnical report would have the intent of minimizing structural damage from an earthquake or subsequent liquefaction and would be required to be incorporated into the architectural plans for the project, prior to the County's issuance of the requested building permit.

The RGH geotechnical report references published geologic maps that indicate the site's underlying geology to be alluvium (Qha) composed of sand, gravel, site and clay. Regional mapping shows much of the Napa Valley Floor, excluding waterways and their banks, as having low or moderate susceptibility for soil liquefaction following ground movement. Site-specific geotechnical analysis in the RGH report indicates that liquefaction potential for the project site is low (5, 6).

b,d. As referenced on pages 1 and 2 of the SCP submitted for this application, the Natural Resource Conservation Service's Soil Survey for Napa County maps six soil types across the approximately 85-acre parcels:

- Bale Loam (map symbol 103)
- Bale Clay Loam (map symbol 104)
- Cole Silt Loam (map symbol 118)
- Pleasanton Loam (map symbol 170)
- Riverwash (map symbol 174)
- Yolo Loam (map symbol 181)

Of these six soil types that encompass the entirety of the project parcels, three underlie the proposed areas of building, driveway and parking lot construction on the property: Pleasanton loam (generally in the area of the proposed new winery access road), Bale clay loam (generally in the area of the winery buildings), and Cole silt loam (generally in the area of the hospitality buildings). These soils are generally described as shallow sloping, clay and loamy soils with somewhat poor drainage and low runoff potential. The site-specific geotechnical report by RGH more specifically describes the topmost layers of soil (generally the uppermost three to four feet) as weak, porous, compressible soils with moderate to high potential (elasticity index 51-100) for swelling from moisture and shrinking from drying (4, 6). With moderate to high shrink/swell potential of the existing soil layers on-site, development on-site could experience cracking in building foundations and pavement surfaces as soil is dampened and subsequently dries. To reduce the potential for such damage, the geotechnical report recommends removal of the uppermost layers of soil containing organic matter, and further excavation of the approximately three to four feet of observed compressible, expansive soils in the areas of the foundations of all proposed buildings on-site (approximately one foot under exterior paved slabs and surfaces). Such excavation should extend to the soils within five feet of the building foundations, and within three feet of exterior paved areas, and excavated soil should be replaced by engineered fill (9).

The recommendations of the RGH report provide site-specific details of soil composition and provide a means to accommodate the proposed development while reducing the risk of structural damage due to soil expansion. The recommendations of the report are preliminary, and as referenced in the response above, the property owner must submit a final geotechnical report concurrently with submittal of a building permit application for the proposed development, with final recommendations for grading, fill, site preparations and building foundations intended to minimize structural damage from expansive soils.

e. Analysis prepared for the applicant by Bartelt Engineering and composed in the "Onsite Wastewater Dispersal Feasibility Study for the Benjamin Ranch Winery, 8895 Conn Creek Road, Napa County," (Benjamin Ranch WWFS) revised in February 2018, concluded that the wastewater generated from the project could adequately be disposed on-site. That analysis determined peak daily process and sanitary wastewater flows to be 11,680 gallons during the 61 days of harvest and crush season, assuming 1.5 gallons of wastewater is generated per gallon of the winery's requested annual production of 475,000 gallons of wine (2-5). Outside of harvest and crush season, flows would be lower, with peak daily process and sanitary wastewater flows estimated at 7,031 gallons. (Sanitary wastewater flows are to be highest on days during the harvest and crush season, when a 24-person dinnertime marketing event is scheduled to occur with tours and tastings for up to 376 people, or 400 less 24. Wastewater flows from visitors are based on the engineer's observations that approximately 60 percent of tours and tastings guests utilize winery restroom facilities, and on assumptions that no food from the on-site kitchen is served to tours and tastings guests.)

The applicant's preferred method of process wastewater treatment consists of on-site pretreatment and distribution of treated effluent as seasonal surface irrigation on a portion of the existing vineyards on the property. This approach for reuse of treated process wastewater includes a storage tank of at least 126,000 gallons for storage of effluent during winter cool and wet months, when vineyard surface drip irrigation needs are lower. Individual sanitary wastewater treatment systems would be provided for the production and hospitality buildings due to their distance from each other, but both systems would also include pre-treatment followed by dispersal through subsurface drip fields located among the vineyards 1) north of the production buildings, and 2) south of the hospitality building. Site evaluation performed by Bartelt Engineering on June 5, 2013, for the Benjamin Ranch WWFS identifiied clay loam, sandy clay and sandy clay loam in six test pits around the development area. Acceptable depth in the test pits was 40 inches to the limiting layer (6,7), below which soil conditions would be less conducive to treatment of effluent; a minimum of 30 inches to the limiting layer is necessary for pre-treated effluent (minimum 6-inch depth of dripline trench plus minimum 24 inches below the dripline for treatment). Based on absorption rate of the observed soil types in the test pits, the Benjamin Ranch WWFS concluded that the winery buildings' dispersal field would require a minimum area of 1,040 square feet, and the hospitality building dispersal field would require a minimum of 2,240 square feet. With the winery development and structures surrounded by unbuilt vineyards on the majority of the proposed 64-acre parcel, there is adequate area for both septic system leachfields, plus 200 percent reserve area as required by Napa County Environmental Health regulations (Napa County Code Section 13.40.040; also see Napa County "Regulations for Design, Construction and Installation of Alternative Sewage Treatment Systems," Sections 3.A and 9).

f. As referenced in Section V, Cultural Resources, of this initial study, Archaeological Services, Inc., conducted on the applicant's behalf a cultural reconnaissance of the property, which included record searches and an on-foot survey of the ground where the production buildings are proposed to be built. They did not find cultural resources within the project boundaries, and their methodology and conclusions were documented in a report dated May 2, 2013. The site has been significantly disturbed through past construction and grading activities associated with the existing and now demolished structures and previously-established agricultural (orchard and currently, vineyard) use of the project site. Though there are no known archaeological resources on the property, the Archaeological Services reconnaissance report notes that there are "[s]everal [recorded] prehistoric archaeological sites and historic sites… in the general vicinity and in similar environmental settings to that of the study area" (4). If contractors or the property owner uncovers archaeological or paleontological resources during any earth-disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with standard condition of approval 7.2 identified in Section V, above.

Mitigation Measures: None required.

VIII.	**GREENHOUSE GAS EMISSIONS**. Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
	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?	☐	☐	☒	☐

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

Greenhouse gases (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 (CO_2) gas, the principal 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). Carbon dioxide equivalents (CO_2e) 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 analysis, CO_2 is used as the reference molecule to obtain atmospheric carbon CO_2 effects of GHG. Carbon stocks are converted to CO_2e 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).

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 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: 1) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources); 2) address the concerns with the previous CAP effort as outlined above; 3) meet applicable State requirements; and 4) 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: 1) updating the unincorporated County's community-wide GHG emissions inventory to 2014; and 2) 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 online at www.countyofnapa.org.

a/b. Overall increases in 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 BAAQMD released CEQA Project Screening Criteria and Significance of Thresholds (1,100 metric tons [MT] per year of carbon dioxide and carbon dioxide equivalents]. 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 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.

One-time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and 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 construction of new winery production and hospitality buildings, on-site parking and vehicular circulation roads, and installation of a left turn lane on Conn Creek Road/State Route 128.

In addition to the one-time Construction Emissions, "Operational Emissions" of the winery are also considered and include: 1) 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 2) 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. With the winery production buildings totaling approximately 79,623 square feet of enclosed or covered floor area, and an additional 7,669 square feet of space dedicated to tasting/hospitality uses in the proposed visitors' center, compared to the BAAQMD's GHG screening criteria of 121,000 square feet for general industrial, and compared to the BAAQMD's screening criterion of 9,000 square feet for high quality restaurant, the project was determined not to exceed the 1,100 MT of CO_2e per year GHG threshold of significance.

Furthermore, the applicant intends to implement several GHG reduction measures at the winery (also see Section III, Air Quality, of this initial study), including intent to recycle 75 percent of waste and to install a solar water heating system, energy-conserving lighting, a cool roof, and deciduous shade trees (purple plum and Chinese pistache) along the southern elevations of the barrel room and hospitality building (Napa County Voluntary BMP Checklist for Development Projects, BMP-17, BMP-8, BMP-9, BMP-10, BMP-20). These measures are intended to reduce GHG emissions associated with landfill waste and fossil fuel-related energy demands for space conditioning, illumination and water heating.

The proposed project has been evaluated against the BAAQMD screening criteria, and it has been determined that the project would not exceed the 1,100 MT per year of CO_2e threshold. GHG Emission reductions from local programs and project level actions, such as application of the California Green Building Standards 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.

As indicated above, the County is currently preparing a CAP, and as part of the first phase of development and preparation of the CAP, the County 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 percent 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.

IX.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	☐	☐	☒	☐

Discussion:

a-b. The proposed project consists of construction and operation of a winery offering sales and service of wine and wine-related items, wine tours & tastings, and wine marketing events with and without food. These types of food and beverage production and service uses might utilize chemicals for purposes of cleaning and property maintenance activities but are not typically generators or users of significant quantities of hazardous materials. During construction of the improvements associated with the project, some hazardous materials, such as building coatings and adhesives would be utilized. However, given the quantities of hazardous materials and the limited duration of construction, their use on-site would result in a less than significant impact.

Wine production and vineyard maintenance, the latter of which currently occurs on the property and would continue to occur alongside winery operations, involve utilization of chemicals such as fuels, diatomaceous earth and ammonia. Pursuant to California Health and Safety Code, commencing with Section 25500, the project proponent and winery operator is required to file a Hazardous Materials Business Plan (HMBP) and to maintain a Hazardous Waste permit with the Napa County Environmental Health Division. Napa County Code Section 16.28.120 authorizes County Environmental Health Division staff to collect permit fees and to conduct periodic inspections under the HMBP; County staff conducts these inspections every three years or more frequently as needed to confirm ongoing compliance with State regulations for management of hazardous materials. With compliance with regulatory requirements for use of hazardous materials, the project's impacts would be less than significant.

c. The proposed winery would have no impact on schools within one-quarter mile. The school closest to the subject property is St. Helena High School, which is over 3 miles northwest of the subject property.

d. The proposed project site is not on any State agency list maintained pursuant to Government Code Section 65962.5, of identified hazardous materials sites in Napa County, (https://dtsc.ca.gov/dtscs-cortese-list/ and https://www.envirostor.dtsc.ca.gov/public/search?basic=True, viewed May 6, 2020). The project would have no impact.

e. The requested use permit would not cause an unsafe condition within 2 miles of a public airport or airstrip, as the subject parcel is not within 2 miles of any public airport or airstrip. There are two public use airports in the County: Angwin-Parrett Field and Napa County Airport. Angwin-Parrett Field is over 6 miles north of the project site, and the Napa County Airport is over 19 miles southeast of the site. The proposed project site is outside of the boundaries of the land use compatibility plans for both public airports and would have no impact.

River Meadow Farm, located at 1019 Rutherford Road and approximately one mile southwest of the project site, has Napa County use permit approval for a private use heliport (Use Permit No. U-347778, approved June 7, 1978; U.S. Federal Aviation Administration Location Identification No. 7CA9). While the project site is within 2 miles of a private heliport, the winery use requested by the use permit application excludes any air travel component or on-site aircraft landing facilities that could contribute to increased air traffic in the immediate area. None of the project buildings have a height greater than 35 feet from grade (where height is measured according to Building Code and

County zoning regulations, as the average of the heights of roof peak and gutter), and the only architectural element that would exceed that height, up to 41 feet above grade, would be decorative cupolas affixed to the production building rooftops. As such, winery buildings would not be excessively tall so as to interfere with landing or departure of aircraft from the private heliport. (For reference, as provided in the Napa County Airport Land Use Compatibility Plan, page 3-11, buildings may not exceed 35 feet tall within the airport compatibility planning areas of the County's two public airfields, excluding departure and approach zones of runways where building heights may be more constrained.) The use permit request, if approved, would be conditioned to preclude any uplighting that could cause visual or physical interference with existing air traffic that may occur to or from the nearby private heliport. (Also see Section I, Aesthetics, of this initial study.) Project impacts on use of this private heliport would be less than significant.

f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with the occurrence of a natural disaster, significant emergency, or other threat to public safety. No component of the project would result in permanent closure or obstruction of right-of-way adjacent to the site (Conn Creek Road/State Route 128), and no component of the implementation of the EOP would otherwise be impaired by the requested use permit. The project's impacts would be less than significant.

g. The property is currently developed with vineyards. Approval of the use permit request would allow construction and operation of a winery with hospitality services alongside the vineyards to remain on most of the property. The Napa County General Plan (Figure SAF-2) indicates that the property is within a Local Responsibility Area for fire protection services and has a low risk of damage from wildland fires. The property does not abut any natural forested or grassland areas; rather, lands in the vicinity of the property are paved roadways (Conn Creek Road/State Route 128 east of the parcel) or are also developed with wineries and vineyard plantings. In accordance with building code requirements for commercial buildings, all of the new winery and hospitality buildings proposed with the project would be equipped with fire suppression sprinklers. The property is within emergency response area of Napa County fire protection services and is within 2.5 miles of the Rutherford Fire Station located near the intersection of State Route 29 and Rutherford Road, southwest of the site (Napa County Baseline Data Report, Table 13-7). This impact would be less than significant.

Mitigation Measures: None required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
	i) result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
	iii) 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?	☐	☐	☒	☐
	iv) impede or redirect flood flows?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Discussion:

On January 14, 2014, Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed up on April 1, 2015, when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent. These water restrictions do not apply to agricultural users. 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 discretionary 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 Groundwater Resources Advisory Committee (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, providing a definition, and explaining the shared responsibility for Groundwater Sustainability and the important role of 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 Napa Valley Floor – St. Helena subarea of Napa County according to Figure 2-2 of the Napa County Groundwater Monitoring Plan 2013.

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.

a,c. Provision E.10 of the statewide Phase II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit reissued by the California State Water Resource Control Board in 2013 requires that all individuals undertaking public or private construction or ground disturbing activities to take steps to prevent the discharge of pollutants resulting from their projects. In accordance with the NPDES permit requirements, the applicant's engineer prepared a preliminary stormwater control plan ("Stormwater Control Plan for a Regulated Project: Benjamin Ranch Winery, 8895 Conn Creek Road, Napa County, CA;" SCP) to outline the measures to be implemented with the project in compliance with the intent of the NPDES permit.

Existing impervious surfaces on the subject parcels consist of the residential building foundation and adjacent parking and driveway areas; vineyard management company administration and storage building footprints; compacted gravel-paved outdoor staging and storage areas adjacent to the vineyard management buildings; other utility buildings near the on-site pond; and on-site access roads from Conn Creek Road/State Route 128 and along the avenues in between vineyard blocks. Existing impervious area between the two parcels is approximately 6.8 acres (see SCP, *Existing Conditions – Impervious Area Exhibit*). With the project, existing impervious area in vineyard block access avenues, the existing single-family residence and residential parking pads would remain, though new building footprints for the winery and hospitality buildings would be added, as would new paved surfaces for outdoor production areas and new access roads from Conn Creek Road/State Route 128 to the hospitality building and from the hospitality building to the production buildings. The project would increase impervious surface area on the property from the existing, approximately 6.8 acres to approximately 10.5 acres.

According to the project SCP, storm runoff from the property currently drains southwesterly, through the existing on-site vineyards, and this direction of flow would be maintained with the project (2). The project would include vegetation swales, a bioretention facility, and existing vineyard areas to slow and retain stormwater flows on-site. Pervious pavers would be utilized in the visitor parking and dropoff area to allow direct infiltration of stormwater into the ground and to provide a means for infiltration of runoff from walkways adjacent to the parking lot. Approximately 254,376 square feet of self-retaining areas, which include unpaved vineyard rows and planter areas near buildings and in parking lot islands, would collect runoff from approximately 227,237 square feet of roof, paved outdoor work areas, half of the paved surface and shoulder of the proposed new winery access road from Conn Creek Road/State Route 128, paved employee parking stalls, and landscaped areas without bioretention. An approximately 5,844 square foot bioretention facility would capture and treat runoff from approximately 51,600 square feet of paved internal access roads between the hospitality and production buildings and the other half of the new winery access road, plus overflow runoff (10 percent) from approximately 78,400 square feet of landscaped islands and vineyards surrounding the visitor parking lot. Approximately 19,075 square feet of landscaped or turf areas near the hospitality and barrel room buildings would be self-treating areas from which treated runoff would drain directly to the storm drain system.

As summarized above, the preliminary SCP demonstrates how the project would comply with NPDES permit requirements. The SCP notes that existing, southwesterly drainage pattern of the site would be retained with the project. Although the project would increase the area of impervious surfaces on-site, with the addition of swales, bioretention and utilization of opportunities for direct infiltration of stormwater into soils as identified in the preliminary SCP, the project would not have the effect of overwhelming the storm drainage system nor substantially increasing pollutant loads. Beyond landscaping and biofiltration, best management practices preliminarily identified in the SCP to reduce stormwater pollution include, but are not limited to, labeling storm drain inlets with "No Dumping – Drains to River" or similar markings; landscaping that maximizes native plants, stormwater infiltration and integrated pest management while minimizing irrigation, pesticide or fertilizer needs; and plumbing of appropriate areas (such as elevator shaft sump pumps and interior floor drains) to the sanitary sewer system to avoid discharge of pollutants from those areas to the storm drain.

That portion of the property on which winery buildings would be built is over 2,000 feet eastward of the Napa River. No element of the project would require modification of the river so as to cause redirection of its channel or flows. Existing vineyard development on the property that is within 1,000 feet of the river would remain unchanged from existing conditions in the event that the project proceeds.

As referenced in the response in Section VII.e, Geology, of this initial study, the applicant's engineer conducted an evaluation of the proposed wastewater treatment system for the winery and its appropriateness for the site. The conceptual approach for wastewater treatment and disposal would consist of: 1) on-site pre-treatment of process wastewater and distribution of treated effluent as seasonal surface irrigation on a portion of the existing vineyards on the property; and 2) on-site pre-treatment of sanitary wastewater followed by dispersal through subsurface drip fields located among the vineyards. Site evaluation performed by Bartelt Engineering on June 5, 2013, for the Benjamin Ranch WWFS identifiied clay loam, sandy clay and sandy clay loam in six test pits around the development area. As determined in that WWFS and referenced in this initial study, acceptable depth in the test pits was 40 inches to the limiting layer and exceeded the minimum 30-inch depth necessary for pre-treated effluent (minimum 6-inch depth of dripline trench plus minimum 24 inches below the dripline for treatment). Based on absorption rate of the observed soil types in the test pits, the Benjamin Ranch WWFS concluded that the winery buildings' dispersal field would require a minimum area of 1,040 square feet, and the hospitality building dispersal field would require a minimum of 2,240 square feet. There is adequate area among the unbuilt vineyards on the proposed 64-acre parcel to accommodate both septic system leachfields, plus 200 percent reserve area as required by Napa County Environmental Health regulations (Napa County Code Section 13.40.040; also see Napa County "Regulations for Design, Construction and Installation of Alternative Sewage Treatment Systems," Sections 3.A and 9).

As demonstrated by the analysis in the SCP and WWFS prepared for the project, the winery could be built and operated in compliance with state and local regulations for stormwater quality and wastewater treatment. The project would therefore have a less than significant impact on water quality.

b. Concurrently with submittal of the use permit application, the applicant submitted a project Water Availability Analysis (WAA) prepared following the Napa County WAA Guidance adopted by the Board of Supervisors on May 12, 2015. The report was updated in June 2020.

Table 2A of the project WAA summarizes water demands from existing uses on the property. The demand factors for existing uses of the property, as referenced in the WAA, are taken from Appendix B of the Napa County WAA Guidance document. To convert gallons to acre-feet for the vineyard management office, the annual groundwater demand in gallons (3,900) is divided by 325,851. Excluding the single-family residence on APN 030-120-017 that is served by its own individual well, existing groundwater demand on the property is listed in the following Table 2. It is noted that the demand factors utilized in the table below are taken from the County's Water Availability Analysis Guidelines, and that the applicant's representative reports that actual water demand for the 2018 and 2019 calendar years was 12.79 and 10.14 acre-feet, respectively, and less than estimated in the Table 2 below. Thus, the following estimates of annual groundwater demand are considered to be conservative:

Table 2: Winery Groundwater Demand – Existing Uses

Winery Activity	Quantity	Demand Factor	Estimated Annual GW Demand (acre-feet)
Vineyard Management Office	1 person	15 gallons / person / weekday	0.01
Vineyard Irrigation	47.5 acres	0.3 acre-feet / year	14.25
Vineyard Heat & Frost Protection	47.5 acres	0.5 acre-feet / year	23.75
		Total, Existing Demand	**38.01 acre-feet**

Water for on-site vineyard irrigation is currently provided from a well located near the existing vineyard management office, northwest of the proposed tank and barrel storage buildings. This same well currently used for irrigation would continue to be used for vineyard irrigation, along with domestic, fire suppression and wine production demands of the winery, provided that the existing well was constructed with a 50-foot annular seal as is required for regulated non-transient, non-community water systems that provide water to at least 25 of the same people (in this case employees) for six or more months of the year (see California Health and Safety Code, Part 12, Chapter 4, Section 116275). If the well does not meet this standard, the property owner would have to drill a new, compliant well, and existing wells would be used to pump groundwater for vineyard irrigation and fire suppression only.

Estimated groundwater demand for the requested entitlement is 40.34 acre-feet, as itemized in table 3, below. Water demand for irrigation is the Estimated Total Water Use (ETWU) calculated using the methodologies in the State Model Water Efficient Landscape Ordinance (MWELO, California Code of Regulations Title 23, Division 2, Chapter 2.7):

Table 3: Winery Groundwater Demand – Requested Entitlement

Winery Activity	Quantity	Demand Factor	Estimated Annual GW Demand (acre-feet)
Winemaking / Process Water	475,000 gal.	2.15 acre-feet / 100,000 gal. of wine	10.21
Winery Employment (FT)	30 persons	15 gallons / person / day	0.55
Winery Employment (Harvest FT)	10 persons	15 gallons / person / day (12 weeks)	
Vineyard Manager	1 person	15 gallons / person / weekday	0.01
Hospitality Employment (FT)	15 persons	15 gallons / person / day	0.34
Hospitality Employment (PT)	5 persons	15 gallons / person / day	
Daily Tours/Tastings Visitors (w/o food)	400 persons	3 gallons / person / day	1.32
Dinnertime Marketing Events (168 / year)	4,032 persons	15 gallons / person	0.19
Lunchtime Marketing Events (180 / year)	2,880 persons	15 gallons / person	0.13
Large Marketing Event (8 / year)	1,200 guests 80 event staff	3 gallons / event guest 15 gallons / event staff member	0.01
Vineyard Irrigation	42.7 acres	0.3 acre-feet / planted acre	12.81
Vineyard Heat & Frost Protection	42.7 acres	0.5 acre-feet / planted acre	21.35
Other Landscape Irrigation	*From MWELO*		2.17
		Subtotal, Proposed Project Demand	**49.09 acre-feet**
		Less Vineyard Irrigation Credit for Treated Process Wastewater Reuse	**(8.75 acre-feet)**
		Total, Proposed Project Demand	**40.34 acre-feet**

Thresholds for water use have been established by the Napa County Department of Public Works, using reports by the United States Geological Survey (USGS), the GRAC recommendations, and the LSCE reports. These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District and LSCE. The County has concluded that the annual 1 acre-foot of water per parcel acre per year criteria for properties on the Valley Floor has proven to

be both scientifically and operational adequate. Any project that would utilize groundwater at quantities at or below the established threshold is assumed not to have a significant effect on groundwater levels.

With the location of the proposed 63.97-acre winery project site on the Napa Valley Floor, where groundwater use at or less than 1 acre-foot of water per parcel acre per year, the requested use permit would have a potentially significant groundwater impact if it resulted in more than 63.97 acre-feet of groundwater demand per year. With an estimated groundwater demand of fewer than 41 acre-feet of groundwater per year, the proposed project would have a less than significant impact on groundwater. It is further noted that the groundwater demand estimated in the applicant's WAA is conservative, not accounting for lower actual vineyard irrigation demand and climate protection than the County's adopted demand factors.

While no significant groundwater impacts from the project are anticipated, the winery use permit, if approved, would include the following standard condition of approval pertaining to groundwater:

4.9 GROUND WATER MANAGEMENT - WELLS
This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence1 indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence1 that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

d. The frontage of the project site at Conn Creek Road/State Route lies within the dam inundation area of Lake Hennessy and the floodplain of Conn Creek. The project would have no impact with respect to release of pollutants as a result of flooding in this northeastern portion of the site because no winery structures are proposed to be built in the dam inundation area or in the creek floodplain. A corner of the proposed barrel room would encroach into the boundary of the 100-year floodplain of the Napa River, as would all of the proposed fire pump building and partially enclosed equipment shed proposed to be built proximate to the barrel room. Roughly half of the proposed visitors' center would encroach into the boundary of the 500-year floodplain. The project plans indicate that the finished floor of both buildings would be 3.5 to 4.5 feet above the base flood elevation of 164 feet. Construction of the finished floors of these structures at higher elevations than the flood contour ensures that, should a significant flood of the Napa River occur, the materials and fluids stored within these structures would be elevated above the floodwaters so as to minimize the risk of release of pollutants or contaminants into floodwaters. As such, the potential for release of pollutants as a result of flooding of the Napa River would be a less than significant impact.

e. The Sustainable Groundwater Management Act (SGMA, California Water Code Sections 10720-10737.8) requires local governments and water agencies in medium and high priority basins in California to create long-term sustainability plans that would result in balanced groundwater extraction and recharge within 20 years of adoption of the plan, and no later than 2042. Plans for medium or high priority basins are due to the Department of Water Resources (DWR) by January 2022. As designated by the DWR in its SGMA 2019 Basin Prioritization, the Napa Valley Subbasin is a high priority due to local reliance on groundwater resources (https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization, viewed July 7, 2020). In December 2019, Napa County established a Groundwater Sustainability Agency, and in the first half of calendar year 2020, the GSA established an Advisory Committee and selected LSCE to provide technical support for preparation of a groundwater sustainability plan for the County.

The anticipated water demands of the proposed project would be less than the County threshold (1 acre-foot per parcel acre per year) at which water usage would be considered significant, and no known element of the project would impede with the County's ongoing efforts toward groundwater management under the requirements of SGMA as outlined above. Further, as noted in response to Section X.a and X.c, above, the proposed project includes stormwater quality measures and wastewater treatment in compliance with County regulations

and the Phase II municipal stormwater NPDES permit. The impact of the project with respect to compliance with water quality or groundwater management programs would be less than significant.

Mitigation Measures: None required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Discussion:

a. The project site is currently developed with vineyards and utility structures supporting an existing vineyard management operation. The proposed project would not change the existing agricultural land use of the property, as Napa County General Plan Policy AG/LU-2 defines agriculture as inclusive of the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses as are proposed with the winery. The surrounding land uses are also predominantly agricultural, and therefore, the existing vineyard, winery and accessory structures would be consistent with the existing development pattern of the properties surrounding the site. The proposed project would not introduce a non-agricultural use to the property. The proposed project would integrate with the property's surroundings and would not physically divide an established community, and thus, there would be no impact.

b. The Napa County General Plan (Agricultural Preservation and Land Use Element Policy AG/LU-2) defines agriculture as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. The requested use permit is consistent with General Plan Policy AG/LU-2, as well as Goal AG/LU-1 and Policy AG/LU-2, as it would add a winery to the existing vineyard development and maintain the ongoing agricultural use of the property. The proposed project is consistent with General Plan Policy AG/LU-9, which was specifically adopted by the Board of Supervisors as a mitigation measure of the General Plan EIR and is intended to prioritize preservation of farmland in the County. Napa County Code Section 18.16.030 also identifies wineries as conditionally permitted uses within the AP District in which the site is located. As an agricultural processing facility that must produce wine using at least 75 percent of its grapes sourced from within Napa County (see Napa County Code Section 18.104.250.B), the vineyard supports the economic viability of agriculture within the County consistent with 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 Element Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture…).

   The General Plan includes two policies (Policy AG/LU-10 and Community Character Element Policy CC-2) requiring new wineries to be designed generally of a high architectural quality for the site and its surroundings. As depicted in the plans submitted with the use permit application, the proposed winery buildings would include concrete, metal and lap siding materials finished in muted gray and rust-brown colors. Combined with the deep building setback and over 1,000 feet of intervening vineyard between the buildings and the Conn Creek right-of-way (see Section I, Aesthetics, of this initial study), these neutral color selections would reduce the prominence of the winery buildings when viewed from a public vantage point. As such, the architectural design of the project would not degrade the existing character of the site and its surroundings. Potential environmental impacts of the project due to land use plan or policy conflicts would be less than significant.

Mitigation Measures: None required.

XII.	**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 as a result of the project.

Mitigation Measures: None required.

XIII.	**NOISE.** Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	For a project located within the vicinity of a private airstrip or 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?	☐	☐	☒	☐

Discussion:

a. The proposed project would cause a temporary increase in noise levels as a result of construction of the new winery production and hospitality buildings, new access road and utility infrastructure, including grading for new landscaping and surface parking areas. Examples of construction equipment that would be associated with site improvements include bulldozers for grading, along with smaller-scale equipment necessary for installation of planting or building details. Noise levels generated from such equipment has been measured as high as 90 decibels, 50 feet from the source (https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm). With a 6-decibel reduction in noise levels per doubling of distance from the source, and with the County's noise threshold of 75 A-weighted decibels (dBA, a measurement of sound that mimics human hearing by de-emphasizing low- and very-high frequency sound) during daytime hours for construction noise effects on residential uses (County Code Section 8.16.080), a residence located within 400 feet of the location of construction activities could potentially be affected by construction noise generated by grading or construction activities associated with the project. The closest potentially sensitive receptor to the project site is an off-site residence located on APN 030-090-031 (8817 Conn Creek Road) and is over 500 feet south from where grading would occur for the proposed new winery access road. With no residence within 400 feet of any area of project-related construction on the property, construction-related noise impacts would be less

than significant. Nonetheless, the project would be subject to the following standard condition of approval, which is are intended to reduce to acceptable levels the potential impacts of construction-related noise on neighboring uses, by requiring mufflers on construction equipment and prohibiting operation of noise-disturbing construction tools or equipment outside of daytime hours:

> *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 8:00 a.m. to 5:00 p.m.*

The use permit application includes a request to establish a winery marketing program that includes some events that might occur outdoors. The largest marketing event that is proposed would have up to 150 attendees. These events would occur up to nine times per year, inclusive of one Auction Napa Valley event; would include music and food service but not outdoor amplified sound; and would occur in windows of time between the hours of 10:00 a.m. and 10:00 p.m. As described in the Project Description, above, the proposed outdoor consumption and marketing areas include approximately 1.3 acres of areas along the banks of the irrigation pond, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the visitor parking lot. The nearest sensitive receptor to the outdoor consumption and marketing areas in and around the visitor parking lot is the single-family residence on APN 030-090-031 (8817 Conn Creek Road), which is approximately 1,000 feet southeast of the outdoor visitor and event areas.

Regulations contained within Napa County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in Project Setting, above, land uses that surround the project site are predominantly agricultural (vineyard) with some rural residential uses. Based on the standards in County Code Section 8.16.070, noise levels may not exceed 50 decibels during daytime hours (7:00 a.m. to 10:00 p.m.) or 45 decibels during nighttime hours (10:00 p.m. to 7:00 a.m.) at the exterior of a residential structure or residential use on a portion of a larger property. Given the predominant land uses around both parcels, noise impacts of a proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of creating volume exceedances more than 50 percent of the time (i.e., 30 minutes in any hour).

Noise sampling performed under County authority, as part of the analysis for the Bell Winery use permit modification (P13-00055), measured sound from an 85-person event with amplified music, using a meter placed 123 feet from the sound source (marketing event). Measurements taken from that sound meter indicated that noise levels from the event exceeded 56 decibels 50 percent of the time, while equivalent (average) noise level was 60 decibels. It is noted that the size of the largest marketing event proposed to occur at the proposed winery (150 people) is approximately twice the size of the 85-person event monitored at Bell Winery. Applying: 1) a 6-decibel reduction per doubling of distance from the noise source; and 2) a 3-decibel increase per doubling of noise sources (number marketing event guests) as described in that noise study, it is projected that exterior noise experienced at the nearest off-site residence on APN 030-090-031 would be at 41 decibels for half of the event duration, and an average of 45 decibels for the duration of the event. These estimated noise levels would not exceed the County Code standard of 50 decibels during 50 percent of daytime hours. Events would not occur during nighttime hours (10:00 p.m. until 7:00 a.m.) Additionally, all events would be subject to the following standard condition with respect to amplified sound:

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

Given the large size of the project site and distance to the nearest sensitive receptors, and with compliance with the County's adopted standard conditions of approval, the potential noise impacts of the project would be less than significant.

b. Groundborne vibration can occur as a result of movement of heavy machinery, such as diesel trains or large vehicles on uneven road surfaces, or as a result of impactful construction activity such as pile driving or blasting. There are no ongoing activities related to project operations that would cause groundborne vibrations, though the project includes construction of new structures and surface installations (parking stalls, relocation of solar panels) on-site. Site preparations for this construction, as well as grading necessary for the proposed new parking areas, would not require pile driving or blasting but would require soil movement and excavation conducted by heavy equipment, as described in section XIII.a, above. These excavation and grading activities, though construction-related and therefore temporary in nature, could generate groundborne vibrations.

Noise regulations in County Code Chapter 8.16 do not include specific criteria for groundborne vibration. In the absence of local County criteria for vibration analysis, this initial study utilizes the guidance in the "Transit Noise and Vibration Impact Assessment Manual" (2018) prepared for the Federal Transit Administration (FTA, online at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-

innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, viewed April 29, 2020). While the project is not a transit project, the noise levels generated by heavy construction equipment that would be used for construction of the project would be similar to the noise levels that are generated by locomotive engines (85-90 decibels).

The guidance in the FTA manual suggests screening criteria for different land use types, from the most sensitive land uses such as recording studios and research facilities that rely on vibration-sensitive equipment, to comparably less sensitive institutional facilities occupied by potentially sensitive receptors during days and residences occupied by sleeping residents at night. Projects that do not fall within the screening criteria are not considered to have a significant groundborne vibration impact on a sensitive receptor, and no further analysis is required.

Off-site land uses proximate to the project site include winery, vineyard, and residential uses. There are no highly vibration-sensitive land uses in the general vicinity of the property. Table 6-8, Screening Distances for Vibration Assessments, of the FTA "Transit Noise and Vibration Impact Assessment Manual" indicates that a residential use located within 200 feet of the right-of-way of a conventional railroad track could potentially be negatively affected by groundborne vibration from the source; an office type of use could be impacted if it was within 120 feet of the vibration source. Translating this criterion to the requested use permit, a residence within 200 feet of areas of excavation, grading or demolition (e.g., buildings, landscaping, surface parking lot) could potentially be negatively impacted by groundborne vibration from the project. As described above, the closest off-site residence is more than 500 feet from where grading would occur for the proposed new winery access road, and it would be even further (more than 1,200 feet) from areas of proposed building demolition and construction, so the project would have a less than significant impact related to groundborne vibration.

c. The requested use permit would not expose people to excessive noise levels from air traffic. There are two public use airports in the County for which the County has adopted an airport land use compatibility plan: Angwin-Parrett Field and Napa County Airport. Angwin-Parrett Field is over 6 miles northeast of the project site, and the Napa County Airport is over 19 miles southeast of the site. The proposed winery property is outside of the boundaries of the land use compatibility plans for both airports.

River Meadow Farm, located at 1019 Rutherford Road and approximately 1 mile southwest of the project site, has Napa County use permit approval for a private use heliport (Use Permit No. U-347778, approved June 7, 1978; U.S. Federal Aviation Administration Location Identification No. 7CA9), though it does not have a land use compatibility plan. While the project site is within 2 miles of a private heliport, the existing vineyard use and requested winery use permit excludes any air travel component. With no element of the project generating additional air traffic to or from this private landing pad, no aircraft-related noise impacts would be generated by the project.

Mitigation Measures: None required.

XIV.	**POPULATION AND HOUSING.** Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion:

a. The requested use permit would allow establishment of a winery on the project site. The operation of a winery on the site would introduce up to 60 new production and hospitality employees to the property to support winemaking and winery accessory operations; 10 of these 60 new employees would be part-time seasonal harvest employees working on-site for two to three months of the year. The Association of Bay Area Governments' Projections 2040 figures indicate that the unincorporated areas of Napa County are projected to have a minor increase in population of 0.4 percent average annually (Napa County Housing Element, December 2014). Estimates included in the 2014 Housing Element indicate that job growth in the unincorporated area will outpace housing growth. However, it is stated that "significant portions" of people employed within the County commute in from homes in nearby municipalities and neighboring counties. The project

would be subject to County Code Section 18.107.060 (Nonresidential developments – Housing fee requirement), which requires developers of nonresidential projects to pay a fee to help meet demand for local affordable housing.

The project does not propose any new infrastructure that might induce growth by extending services outside of the boundaries of the subject site. The proposed project includes construction of a left-turn lane in the right-of-way of Conn Creek Road/State Route 128 at the project site frontage to facilitate queuing space for turning vehicles outside of the travel lane; however, this improvement would not increase the overall capacity or length of the roadway.

With no new residences included with the project, no off-site expansion of utilities or facilities to serve other developments, the County's projected low growth rate, the project's addition of just 50 new year-round jobs, and the mandatory payment of affordable housing impact mitigation fees in the County, the project would have a less than significant impact to population growth.

b. The existing residence at the northeast corner of the property would remain with the project. Other buildings associated with the vineyard management operation would be demolished but house no residential use. The proposed use permit does not include any modifications that would affect housing; thus, no residents would be displaced, and there would be no impact.

Mitigation Measures: None required.

XV. **PUBLIC SERVICES.** Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Discussion:

a. The property is located within the service areas of both the Napa County Sheriff's Department (Beat 2; BDR Figure 13.-3), as well as the Napa County Fire Department. The winery facilities proposed to be built with this use permit request would be inspected by County building inspectors and fire prevention officials to ensure that construction occurs in accordance with current Building and Fire Codes applicable at the time of submittal of the requisite building permit application. If approved, the requested use permit would facilitate the establishment and construction of a new winery with tours & tastings on-site of an existing vineyard. The proposed project scope does not include construction of any new residential units nor accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the cities north and south of the winery. No new parks or other public recreational

amenities or facilities (such as police or fire stations) are proposed to be built with or as a result of the requested use permit. Also see discussion under Section XVI, Recreation, below.

Mitigation Measures: None required.

XVI.	**RECREATION.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 requested use permit does not include any residential component and would not lead to the accompanying introduction of new residents to the site or area. The use permit would increase the number of employees and visitors to the property, some of whom might visit recreational facilities in the area during breaks, before or after work, or on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.

b. No new parks or other public recreational amenities are proposed to be built with or as a result of the proposed winery. The proposed project would have no impact.

Mitigation Measures: None required.

XVII.	**TRANSPORTATION.** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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-38, 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 a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐
c)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☒	☐	☐
d)	Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e)	Result in inadequate emergency access?	☐	☐	☒	☐
f)	Conflict with General Plan Policy CIR-14, 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?	☐	☐	☒	☐

Discussion:

As noted in the Project Description above, approval of the requested use permit would allow construction and operation of a winery with wine marketing events and daily tours & tastings for up to 400 visitors per day, on the property located at 8895 Conn Creek Road. The proposed project would result in an increase in the number of vehicle trips to and from the property. Applying the *Winery* (Land Use 970) trip generation factors from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual,* 10th edition (2017), the proposed project is estimated to generate 144 average weekday daily trips, based on a tasting room with approximately 3,100 square feet, with 23 of those weekday daily trips occurring during the weekday PM peak hour between 4:00 and 5:00 p.m., and 115 of those trips occurring during the weekend PM peak hour between 1:45 and 2:45 p.m. Construction proposed with the project includes widening of the paved surface of Conn Creek Road/State Route 128 at the proposed new winery access driveway, near the southeastern corner of the project site, for installation of a left-turn lane to provide sheltered queuing area for vehicles turning left into the winery driveway.

Traffic impact analysis prepared by W-Trans, the applicant's consultant, described existing roadway conditions within the vicinity of the project site and the projected near-term and long-term impacts to the circulation system in the vicinity of the proposed winery, under scenarios both with and without traffic from the requested winery use.

The project would have its access from Conn Creek Road, a two-way roadway, the northern portion of which is part of State Route 128. Conn Creek Road intersects with Silverado Trail (a north-south arterial extending along the east side of the Napa Valley) approximately ½ mile north of the project site, and it intersects with Rutherford Road (which is also part of State Route 128 west of Conn Creek Road) approximately ¾ mile south of the project site. State Route 29, a major north-south arterial roadway extending along the western side of the Napa Valley, is approximately 2 miles west of the project site and also intersects with Rutherford Road at Rutherford Road's western terminus. Conn Creek Road/State Route 128, Rutherford Road/State Route 128, and State Route 29 in the vicinity of the project site are all two-way, two-lane roads.

The traffic study evaluated the project's anticipated impacts at the following three, unsignalized intersections:

1) Silverado Trail and Conn Creek Road/State Route 128 – This is a four-legged intersection, with the Rutherford Ranch Winery private driveway opposite the Conn Creek Road/State Route 128 approach to the intersection. There are left turn lanes in both directions of Silverado Trail. The northbound approach of Conn Creek Road/State Route 128 does not have a striped turn lane but does flare out to allow separate queuing for vehicles making the right turn movement onto Silverado Trail. Silverado Trail southbound does not have a striped deceleration lane but does have a widened gravel shoulder sufficient to allow drivers to pull out of the travel lane to slow down before turning right onto Conn Creek Road/State Route 128. The Conn Creek Road/State Route 128 minor approach to the intersection is stop-sign controlled.

2) Rutherford Road/State Route 128 and Conn Creek Road – This is a tee-intersection with stop sign control at the northbound Conn Creek Road approach, and at the southbound through movement from Conn Creek Road/State Route 128 continuing onto Conn Creek Road south of the intersection. The eastbound Rutherford Road/State Route 128 approach includes a channelized right turn allowing free right turn movements onto southbound Conn Creek Road. The left turn movement from eastbound Rutherford Road/State Route 128 onto Conn Creek Road/State Route 128, as well as, the right turn movement from southbound Conn Creek Road/State Route 128 onto Rutherford Road/State Route 128, are also free movements.

3) State Route 29 and Rutherford Road/State Route 128 – This is a four-legged intersection with a private road opposite Rutherford Road/State Route 128. The private road provides access to the Rutherford Fire Department station and the Inglenook Winery and Bistro. The private road and Rutherford Road/State Route 128 minor approaches to the intersection are stop-sign controlled. There are left turn lanes provided for both the northbound and southbound directions of State Route 29. The westbound Rutherford Road/State Route 128 approach does not have a striped right turn lane but does flare out to allow separate queuing for vehicles making the right turn movement onto northbound State Route 29.

a/b. Level of service standards for roads in the unincorporated areas have been established by the County in its General Plan Circulation Element, last updated in February 2019. Level of service (LOS) is a system for classifying roadway segments' and intersections' operations using a letter rating of A through F, based on how much delay a driver experiences on the particular facility. LOS A indicates free flowing traffic with minimal delays, and LOS F indicates a severely congested segment or intersection. For intersections where the minor approaches are stop sign controlled, LOS indicates the seconds of delay experienced by each driver on the minor approach, where LOS A indicates no more than 10 seconds of delay, and LOS F indicates more than 50 seconds. General Plan policy CIR-38 establishes the County's desired LOS on all County roadways as LOS D. LOS D represents the level where traffic nears an unstable flow; intersections still function, but short queues develop, and cars at signalized intersections may have to wait through one traffic signal cycle during peak traffic periods. The policy lists some exclusions, including: 1) State Route 29 in the unincorporated areas between Yountville and Calistoga; and 2) Silverado Trail between Conn Creek Road/State Route 128 southward to Yountville Cross Road. For these two road segments that are in the vicinity of the project site, the General Plan policy specifies LOS F and LOS E, respectively, as acceptable levels of service. The County has further clarified its General Plan policy to specify the following objectives as they apply to proposed projects:

- If an unsignalized intersection operates at LOS A through D under existing conditions, and the project would cause the intersection level of service to fall to LOS E or F, the applicant should implement actions to restore level of service to LOS D or better.
- If an intersection operates at LOS E or F under existing conditions, and the project would increase automobile delay by 5 or more seconds on the minor approach to an unsignalized intersection, the applicant should implement actions to reduce the increased delay.

For the project's traffic analysis, the applicant's consulting traffic engineer utilized the "Two-Way Stop-Controlled" intersection capacity method from the Transportation Research Board's *Highway Capacity Manual* (2010), due to the existing operation of each intersection as a three- or four-legged intersection with stop control on the minor approach(es). LOS for both individual movements on the minor approach, as well as the weighted overall average delay for the intersection, is provided in the submitted analysis. Trip counts used for the project analysis were taken in early October 2017, while school was in session and prior to the 2017 Napa County Fires. The data collected was therefore presumed to represent typical harvest with normal background conditions and was not adjusted.

Intersection impacts, with and without the project, are summarized below in terms of LOS and seconds of delay. "Other Projects" referenced in the second column include eight winery or wine bar use permit applications that were pending or recently approved as of the date the traffic analysis was prepared, and that are located within 2 miles of the project site. LOS for the studied intersections is provided both for overall intersection operation and in seconds of delay experienced by the driver on the minor approach (presented in the table in bold, italicized text), which for the studied intersections is:

- Conn Creek Road/State Route 128 northbound approach to the intersection of Silverado Trail and Conn Creek Road/State Route 128;
- Conn Creek Road northbound approach to the intersection of Rutherford Road/State Route 128 and Conn Creek Road; and
- Rutherford Road/State Route 128 westbound approach to the intersection of Rutherford Road/State Route 128 and State Route 29.

Table 4: Weekday PM Peak Hour Level of Service

Facility	Existing Condition			Future Condition (Existing + Other Projects)		
	Without Project	With Project	With Project + Mitigation (SB Deceleration Lane)	Without Project	With Project	With Project + Mitigation (SB Deceleration Lane)
Silverado Trail / Conn Creek Rd	C (16.1) ***F (242.1)***	C (17.2) ***F (250.1)***	C (15.8) ***F (228.7)***	F (85.1) ***F (1,207)***	F (93.3) ***F (1,290)***	F (84.2) ***F (1,154)***
Rutherford Rd / Conn Creek Rd	A (3.3) ***A (9.7)***	A (3.1) ***A (9.8)***	n/a	A (3.7) ***B (10.4)***	A (3.6) ***B (10.4)***	n/a
Rutherford Rd / State Route 29	F (73.6) ***F (1,000)***	F (73.3) ***F (960.5)***	n/a	F (259) ***F (2,591)***	F (276.5) ***F (2,712)***	n/a

Table 5: Weekend PM Peak Hour Level of Service

Facility	Existing Condition			Future Condition (Existing + Other Projects)		
	Without Project	With Project	With Project + Mitigation (SB Deceleration Lane)	Without Project	With Project	With Project + Mitigation (SB Deceleration Lane)
Silverado Trail / Conn Creek Rd	C (22.8) ***F (229.3)***	D (30.3) ***F (268.2)***	D (26.6) ***F (235.6)***	F (119.1) ***F (1,219)***	F (144.1) ***F (1,330)***	F (130.4) ***F (1,203)***
Rutherford Rd / Conn Creek Rd	A (1.6) ***A (9.7)***	A (1.3) ***B (10.0)***	n/a	A (2.2) ***B (10.3)***	A (2.0) ***B (10.7)***	n/a
Rutherford Rd / State Route 29	E (44.5) ***F (691.5)***	E (46.5) ***F (601.1)***	n/a	F (324.6) ***F (3,263)***	F (362.1) ***F (3,276)***	n/a

The Conn Creek Road/Rutherford Road intersection would operate at an acceptable level of service (LOS B) with or without the project. Though not intuitive, it is noted that weekday peak hour delay at the intersection of State Route 29 and Rutherford Road/State Route 128 is projected to decrease slightly from the existing condition with addition of the project. The same decrease in delay occurs on the minor approach to the intersection. This is because the project would add trips to the underutilized right turn movement at this intersection, which has the effect of more evenly balancing volumes among the approaches and reducing overall average delay. The weekend peak hour delay for the intersection is projected to increase by 2 seconds from existing conditions with addition of the project. Without an increase in near-term average delay of more than 5 seconds at the intersection of State Route 29 and Rutherford Road/State Route 128, the project would not be inconsistent with General Plan and County policy that would otherwise require corrective action for a larger increase in delay. However, the project would contribute to a larger increase in delay (17.5 seconds during weekday PM and 37.5 seconds during weekend PM peak hour) in the long-term, future scenario. County General Plan policy has accepted LOS F at this intersection, and though the County as deemed signalization to be undesirable traffic mitigation for delay increases, other corrective actions should be identified to reduce the impact.

At the Conn Creek Road/State Route 128 and Silverado Trail intersection, average intersection delay is projected to increase by 1 second during the weekday peak hour in the near-term. A larger increase in delay occurs during the weekend PM peak, when intersection delay increases by 8 seconds from the existing condition, and delay experienced on the Conn Creek Road/State Route 128 minor approach increases by 39 seconds. While failing LOS is not of itself basis for determination of a significant environmental impact under CEQA, the project would be potentially inconsistent with County policy if it had the effect of increasing delay by more than 5 seconds and no corrective action was taken to reduce the increase. Implementation and incorporation of Mitigation Measure TRAN-1 into the project would support reduction of trips that would reduce the vehicle volumes that contribute to the increases in delay, as well as, related air emissions from automobiles. Still, the County could ensure, through project conditions of approval, that permit applicants take other actions to address the County policy consistency with respect to level of service. Such conditions of approval would likely include an obligation to install a southbound deceleration lane in the Silverado Trail right-of-way at the approach to the Silverado Trail intersection with Conn Creek Road/State Route 128, which would help to reduce projected delay at that intersection. County decision-making bodies may also require participation in the County's developing traffic impact mitigation fee program as a condition of the project.

The Napa County Board of Supervisors adopted the Napa Countywide Bicycle Plan updated most recently on June 26, 2012 (Resolution No. 2012-98). The adopted Plan identifies Conn Creek Road/State Route 128, including the project site frontage, for proposed Class 2 on-street bicycle lanes. The more recently drafted Countywide Bicycle Plan adopted by the Napa Valley Transportation Authority Board of Directors but not yet adopted by the Napa County Board of Supervisors, identifies Conn Creek Road/State Route 128 as a proposed Class 3 route (shared lanes for bicyclists and motor vehicles with signage installed). Proposed project improvements do not indicate construction of either a lane or signage for either type of bicycle facility at the project frontage, and this inconsistency with Countywide bicycle facilities policy would be a potentially significant impact. Mitigation Measure TRAN-2, below, would reduce the impact to less than significant.

There are no existing, proposed or planned sidewalks, nor are there any bus routes, on Conn Creek Road or on Silverado Trail near the project site. The project would have no impact on pedestrian or public transit transportation modes.

c. Recently-adopted General Plan Policy CIR-7 suggests that project applicants should aim to reduce their project's unmitigated vehicle miles traveled (VMT) by at least 15 percent. The County's approach to determining the significance of a project's VMT impacts was considered by its Board to be appropriate for Napa County's rural context, while still supporting the efforts of the County to achieve the greenhouse gas emissions goals of its pending Climate Action Plan. The reduction in VMT and, correspondingly, GHG emissions from the transportation sector, is also necessary for Napa County, the region, and the state to achieve long-term, statewide mandates targeted toward reducing GHG emissions. Such mandates include, but are not limited to Executive Orders S-3-05 and B-16-12, which respectively, set a general statewide GHG emissions reduction target of 80 percent below 1990 levels by 2050, and an 80 percent GHG emissions reduction below 1990 levels (also by 2050) specifically for the transportation sector.

The traffic study prepared by the applicant's consultant evaluated vehicle miles traveled to and from the winery, using a trip distance of 16.2 miles per one-way trip per winery employee, where 16.2 is the home-to-work trip distance for the Traffic Analysis Zone (TAZ) in which the project is located. Daily VMT was estimated at 2,738 miles generated by winery employees. While the traffic study accounted for all employees driving to and from the winery as a daily occurrence, it is noted that seasonal harvest employees are not on-site for nine to 10 months of the year, so the estimated VMT in the traffic study is rather conservative. Utilizing the same County-established trip generation factors of 3.05 daily trips per full-time (non-seasonal) employee and 1.9 daily trips per part-time employee, and accounting for the fact that seasonal harvest employees do not generate vehicle miles outside of the harvest season, an alternative calculation for employee trips based on actual work days per year is reflected in the table below:

Table 6: Winery Employee VMT

Category	Quantity	Work Days / Year	Daily Miles	VMT
Full-time Winery Employees	30 persons	260	49	382200
Seasonal Harvest Employees	10 persons	60	32	19200
Full-time Hospitality Employees	15 persons	260	49	191100
Part-time Hospitality Employees	5 persons	260	32	41600
Total Annual VMT				634100 miles
Average Daily VMT (Annual VMT/365)				1,737 miles

Still, the number of daily VMT estimated in the traffic study (2,738), which overestimates employee VMT by roughly 1,000 daily miles, can be recognized as capturing VMT generated by visitor trips to and from the winery (assuming an average of 300 visitors per day, an average of three visitors per vehicle, and a portion of each vehicle's day's VMT attributed to the proposed winery on a multiple-destination tour). Thus, the VMT identified in the traffic study is used for reference in this initial study.

The proposed winery would potentially have a significant impact if it increased VMT inconsistent with General Plan Policy CIR-7. For the proposed project, a 15 percent reduction in VMT is approximately 400 daily vehicle miles based on a daily VMT of 2,738. By way of example, these 400 miles would be roughly equal to a reduction of one trip per day by 24 of the winery's employees, which could be achieved by reducing midday trips off-site for lunch or reducing the number of employees who drive to work alone.

Implementation of Mitigation Measure TRAN-1, which requires the applicant to implement a transportation demand management program that includes carpool incentives, provision of on-site lunch for employees, and shuttle transportation options for winery visitors, would reduce daily employee trips consistent with the General Plan policy. With implementation of Mitigation Measure TRAN-1, the project's VMT impact would be less than significant.

d/e. The traffic study submitted with the use permit application evaluated vehicle sight distance at the intersection of Conn Creek Road/State Route 128 and the proposed winery access driveway near the southeastern corner of the property. The traffic study notes that based on field measurements, sight distance from the winery access driveway is over 500 feet to the north and south and exceeds the minimum distance necessary for a vehicle traveling at 55 miles per hour to stop in order to accommodate a vehicle exiting the winery access driveway (26). State Route 128 between State Route 29 and Silverado Trail has a posted speed limit of 45 miles per hour.

In 1971, Napa County adopted its initial iteration of the Napa County Road and Street Standards (RSS). The intent of the RSS was to establish a uniform set of standards for public and private roads that strive to preserve the natural landscape and water quality, minimize impacts to environmental sensitive areas and native habitats, and provide adequate safety and service in the interest of protecting public health and welfare. As further described in the RSS Objectives, the RSS "attempt to meet the related interests of several other agencies, including the Resource Conservation District, Cal-Fire, the Federal Emergency Management Agency, the Napa County Planning, Building and Environmental Services Department, and the California Department of Fish and Wildlife" (5). The RSS has since been amended to reflect changes in the best practices and regulations of the respective agencies, with the most recent amendment occurring in February 2020 (Board of Supervisors Resolution No. 2020-12).

The proposed project does not include any request for exception to any standard in the RSS. Access to the winery is proposed via a new, 20-foot wide driveway to replace the existing access driveway on the north side of the site. Except during construction of the left-turn lane, during which time the encroachment permit would require that at least one lane remain open under typical traffic control measures, no existing roadways would be closed so as to constrain or preclude travel by emergency vehicles needing access to the site or surrounding properties. The new, 20-foot wide driveway with shoulders would meet the minimum standards for a "common drive" as defined in Section 14 of the RSS and would allow large emergency response vehicles sufficient width to use the driveway to respond to emergencies at the site. The traffic study notes that proposed on-site circulation would be adequate for large commercial trucks, as well (27).

The project as proposed includes a left-turn lane in the Conn Creek Road/State Route 128 right-of-way, which will allow vehicles entering the winery driveway a sheltered location to wait and queue safely outside of the flow of traffic in the through lane. With the proposed left-

turn lane, adequate sight distance at the Conn Creek Road/State Route 128 approach to the winery access driveway, and adequate road widths on-site to accommodate large vehicle movements, the potential for the project to create a hazard or impair emergency vehicle response would be less than significant.

e. The requested use permit includes paving and striping for up to 75 parking stalls for employee and visitor vehicles on the property. These new parking facilities would have less than significant environmental impacts to water and water quality.

The proposed parking would have the effect of reducing water demand from vineyard irrigation because the new stalls would be constructed in an area currently planted with vineyards and would result in an overall reduction in vineyard area. As described in Section X, Hydrology, of this initial study, the project would include vegetation swales, a bioretention facility, and existing vineyard areas to slow and retain stormwater flows on-site. Pervious pavers would be utilized in the visitor parking and drop-off area to allow direct infiltration of stormwater into the ground and to provide a means for infiltration of runoff from walkways adjacent to the parking lot. Approximately 254,376 square feet of self-retaining areas, which include unpaved vineyard rows and planter areas near buildings and in parking lot islands, would collect runoff from new paved areas on-site, including paved employee parking stalls near the winery production buildings. An approximately 5,844 square foot bioretention facility would capture and treat runoff from approximately 51,600 square feet of paved internal access roads between the hospitality and production buildings and the other half of the new winery access road, plus overflow runoff (10 percent) from approximately 78,400 square feet of landscaped islands and vineyards surrounding the visitor parking lot. With these proposed stormwater quality facilities, the addition of paved employee and visitor parking to the property would not have a significant impact related to storm drainage or pollutant loads.

The proposed parking lots would not have significant environmental effects. However, the Planning Commission will be tasked with determining whether the proposed 75 stalls requested with the use permit application is consistent with General Plan Policy CIR-14, which discourages permit applicants from providing unnecessary or excessive quantities of parking stalls for their uses, as part of the Commission's evaluation of the merits of the requested use permit. Although shortage of on-site parking facilities is not considered an environmental impact, the project traffic study acknowledges that the number of parking stalls proposed on-site is projected to be deficient by three spaces for 24-person events, and by 41 spaces for the largest, 150-person events proposed.

Mitigation Measures:

Impact TRAN-1: Increases in Vehicle Volumes

The project would increase vehicle volumes and VMT on the roadway network in the vicinity of the project site, contributing to increases in road congestion and local air emissions.

Mitigation Measure TRAN-1:

Prior to receipt of a certificate of occupancy for the winery, the permittee shall prepare and submit a transportation demand management and trip reduction program to the PBES Department for review and approval by the PBES Director. At a minimum, the program shall include the following:

- Designation of a TDM program coordinator, who shall be responsible for informing winery employees of the winery's trip reduction and incentive programs, monitoring participation in the programs by winery employees and guests, evaluating opportunities to revise and enhance the winery's trip reduction programs, and reporting trip reduction program data to the County upon request;
- Implementation of an on-site daily lunch service for winery employees, utilizing catered services or with employee meals prepared on-site in the commercial kitchen;
- An employee carpool promotional program consisting of cash incentives to employees who choose to carpool to the winery;
- Bicycle racks for storage of a minimum of 10 bicycles, plus on-site employee showers for staff members opting to bicycle to work; and
- Provision of shuttle services from and to the winery from an appropriately designated off-site location (such as a hotel where winery visitors may be staying, or a park and ride lot), for guests attending 24-person or larger events on-site, to decrease the demand for on-site parking, decrease vehicle trips to the winery, and decrease vehicle miles traveled.

Impact TRAN-2: Inconsistency with Adopted Bicycle Plans

The proposed project improvements show no bicycle facility improvements at the project frontage at Conn Creek Road. This lack of identified improvements is inconsistent with the adopted Napa Countywide Bicycle Plan, which currently identifies proposed Class 2 bicycle lanes on Conn Creek Road/State Route 128.

Mitigation Measure TRAN-2:

Prior to recordation of the lot line adjustment (LLA) between the project parcels (APNs 030-120-016 and 030-120-017), the property owner's engineer shall identify the limits of the right-of-way of Conn Creek Road/State Route 128 at the property frontage. If the existing right-of-way is inadequate to accommodate bicycle facilities consistent with the Napa Countywide Bicycle Plan adopted by the Board of Supervisors at the time the LLA application is submitted, the property owner shall record an irrevocable offer of dedication of land at the

property frontage of current APN 030-120-017. The dedication shall be of sufficient depth from the current front property line to accommodate installation of either Class 2 or Class 3 bicycle facility improvements in the public right-of-way of Conn Creek Road/State Route 128 in accordance with the adopted Napa Countywide Bicycle Plan effective when the LLA application is submitted. The extent of the dedication shall be determined by the Public Works Director or the Director's designee, prior to recordation of the irrevocable offer of dedication.

Significance after Mitigation:

Implementation of the programs described in Mitigation Measure TRAN-1, in particular programs for carpool incentive and on-site lunch offerings, would reduce employee VMT associated with the winery. Assuming participation by 24 of the winery's 45 full-time employees in an on-site lunch program offered by the winery, and with daily trips for each full-time employee thereby reduced from 3.05 (using the County's trip generation factors) to 2, daily VMT generated by winery employees would be reduced by an estimated 385 miles per day. The employee carpool cash incentive program is estimated to reduce daily VMT by two percent as referenced in the traffic study (24), for another 55 miles per day. Anecdotally, the applicant's representative has observed higher participation rates in carpool incentive programs implemented by other wineries in the County, with employee participation rates of 15 to 40 percent, which translates to approximately 285 or more miles per day. The combination of programs listed in Mitigation Measure TRAN-1, plus any additional programs proposed by the applicant, would reduce daily VMT by more than the estimated 400 miles that represents roughly 15 percent of the unmitigated project's daily VMT, consistent with County General Plan goals. While not quantified here, reduction of VMT and trips to and from the winery as a result of on-site amenities and employee carpool incentives would also reduce the increases in road congestion and associated air emissions generated by winery operations. Implementation of Mitigation Measure TRAN-2 also supports utilization of an alternative mode of transportation to the automobile while providing a means for project consistency with countywide plans.

The project is not anticipated to substantially impact transportation with implementation of the Mitigation Measures TRAN-1 and TRAN-2. The project impacts are anticipated to be less than significant with mitigation incorporated.

XVIII. **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:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
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	☐	☐	☒	☐
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. Referenced in Section V, Cultural Resources, of this initial study, the historic resources report commissioned by the applicant did not identify any architecturally significant resources on the property, and a cultural reconnaissance of the property by Archaeological Services, Inc., did not find cultural resources within the project boundaries. Though there are no known archaeological resources on the property, the Archaeological Services reconnaissance report notes that there are "[s]everal [recorded] prehistoric archaeological sites and historic sites… in the general vicinity and in similar environmental settings to that of the study area" (4). If contractors or the property owner finds culturally significant historic resources during any earth-disturbing activities associated with the construction of winery buildings or related utilities and surface improvements proposed with the project, construction is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with the standard condition of approval referenced in Section V, Cultural Resources, above.

Mitigation Measures: None required.

XIX.	UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c)	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?	☐	☐	☐	☒
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

a. Utility infrastructure necessary to serve the winery, including water, wastewater treatment, storm drainage, would be accommodated on the property within the existing boundaries of the project site. Power service to the site currently serves the existing vineyard management office and operations. While additional power service would be needed for the proposed new production and hospitality buildings, installation of the infrastructure necessary for that power service would primarily occur on-site within existing, previously-disturbed vineyard and building areas and would not cause significant environmental impacts due to the already disturbed terrain on the property and distance to any biologically sensitive areas, as described in the above sections. The project would have a less than significant impact.

b. As discussed in additional detail in Section X, Hydrology and Water Quality, of this initial study, water usage under the requested use permit is estimated at 40.34 acre-feet annually. This water usage estimate includes the continued operation of existing, permitted vineyard and vineyard maintenance on the property. With a planned parcel size of 63.97 acres after lot line adjustment, the groundwater demands of existing and continued permitted uses on the property are within the acceptable threshold of 1 acre-foot per parcel acre per year for properties located on the Valley Floor. The project would have a less than significant impact.

c. Not applicable to this project. The winery would utilize on-site systems for treatment of process wastewater and sanitary wastewater generated on the property. Will-serve letters or commitments from a wastewater treatment provider are not necessary for the project.

d/e. Non-recyclable and non-organic waste generated by operations on the property is and will continue to be collected by the Upper Valley Disposal Service and ultimately deposited at the Clover Flat Landfill located in Calistoga. Based on 2019 correspondence from an agent of the landfill and posted on the California Department of Resources Recycling and Recovery (www.calrecycle.ca.gov, letter from Neil Edgar, Edgar & Associates, to Peter Ex, Napa County Local Enforcement Agency), Clover Flat has adequate capacity remaining to accommodate any non-recyclable and non-organic waste generated from the businesses. More specifically, the landfill has a permitted capacity of 4.56 million cubic yards, and as of November 2019, had over half (2.4 million cubic yards) of its permitted capacity remaining with an anticipated closure date in 2047. The Greenhouse Gas Best Management Practices checklist that the applicant submitted with the use permit application indicated that the winery operator intends to reduce its waste stream from typical operations by striving to recycle 75 percent of all waste consistent with Napa County "Voluntary Best Management Practices Checklist for Development Projects," BMP-17. Operators of

the winery have not requested waiver of any regulation or standard with respect to waste disposal. The project's impact would be less than significant.

Mitigation Measures: None required.

XX.	**WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion:

a. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. No component of the project would result in permanent closure or obstruction of adjacent public right-of-way (Conn Creek Road/State Route 128); during construction of the left-turn lane, typical traffic control measures would require at least one lane to remain open to allow continued vehicular access through the work area. No component of the implementation of the EOP would otherwise be impaired by the requested use permit. The project's impacts would be less than significant.

b/c. The property is located in a Local Responsibility Area for fire protection services. The property is not located in an area of wildland fire interface nor in an area of high or moderate fire risk (Napa County General Plan, Figure SAF-2). The property is also in a very low density location, with just five single-family residences within ½-mile of the proposed winery building, and the majority of surrounding properties consisting of large parcels (39 to 115 acres) substantially planted with vineyards. The nearest areas of very high fire risk in the State Responsibility Area over ½ mile east of the project site, on the east side and upland of Silverado Trail.

Other than on-site driveway modifications for additional parking and internal building fire sprinklers required by the California Building Code, no new roads, water lines or other installations necessary to support fire suppression efforts would be needed for the project, and installation of such facilities would not affect safety of surrounding properties. The project's impacts would be less than significant.

d. As noted in the "Project Guidance for Stormwater Quality Compliance" submitted by the applicant, the site is generally flat, with slope not exceeding 2 percent in the proposed area of disturbance (also see project civil plans). Surrounding properties are also generally flat, and the terrain proximate to the site lacks any notable hillsides or grade changes (Staff observation). Without steep slopes on or adjacent to the property, post-fire slope instability, landsliding or excessive runoff that would result in damage to structures or substantial risks to persons is not likely to occur. This impact is less than significant.

Mitigation Measures: None required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:

a. The project site has been previously developed and disturbed with orchard and currently vineyard plantings, and buildings associated with vineyard maintenance. Construction of the proposed winery buildings would occur in previously-disturbed areas on the property, with production buildings located in the central area currently occupied by existing vineyard maintenance structures and operations, and proposed hospitality buildings located in a proximate area on the property that is currently planted with grapevines. As previously described, none of the proposed site modifications would be subject to creek setbacks nor likely to disturb any sensitive species, though mitigation is recommended due to potential for impacts to occur to bat and raptor species as a result of demolition of the barn and removal of mature trees. These mitigations, described above in Section IV, Biological Resources, would reduce potential impacts to bats and raptors to less than significant.

   The vineyard management office building, a barn and an agricultural equipment building currently remain on the property. The barn and agricultural equipment building are proposed to be demolished with the project. However, as described in the analysis above (see Section V, Cultural Resources), though the existing barn that remains on the property is likely around 100 years old, it does not have historical integrity due to substantial alterations to the structure over time that have altered the materials and worksmanship of the original structure. Another building remnant on-site, the vineyard maintenance utility shed constructed of corrugated metal, appears in aerial photos as early as 1968 and is therefore likely over 50 years old, but it is not an architecturally unique structure with features that would make it worthy of retention.

   There are no known archaeological resources on the property; however, the Archaeological Services reconnaissance report referenced in Section V, Cultural Resources, above, notes that there are "[s]everal [recorded] prehistoric archaeological sites and historic sites… in the general vicinity and in similar environmental settings to that of the study area" (4). If contractors or the property owner finds culturally significant historic resources during any earth-disturbing activities associated with the construction of winery buildings or related utilities and surface improvements proposed with the project, construction is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with the following Napa County standard condition of approval number 7.2 (Archeological Finding).

   With implementation of mitigation measures and standard Napa County conditions of approval, impacts of the project would be less than significant.

b. The proposed project would have the effect of increasing water usage of the winery, although estimated water usage would support winemaking activities and the overall continued use of the property for agricultural purposes, and estimated water use (40.34 acre-feet per year) for the existing vineyard and proposed winery operations is within the County's established threshold of 1 acre-foot per parcel acre per year for the planned 63.97-acre winery parcel located on the Valley Floor. Likewise, the approval of the requested modification would increase vehicle trips to and from the parcel, though the recommended mitigation measures described in Section XVII, Transportation, of this initial study would maintain consistency with County policy supporting implementation of transportation demand management measures that would reduce daily trips (and therefore, vehicle miles) compared to the unmitigated project. Noise and air quality impacts associated with construction of building and site improvements would be temporary in nature, and so would also be less than significant. Construction

and operational noise and air quality impacts are also anticipated to be less than significant due to the large size of the parcel and adjacent parcels, such that there are no sensitive receptors within 500 feet of proposed areas of construction or winery operations.

c. There are no schools, hospitals or residences housing potentially sensitive receptors within ½-mile of the project site. Noise from construction of proposed winery facilities would be temporary and limited to day time hours, in accordance with the standard County condition of approval noted in Section XIII, Noise, of this initial study. Construction activities would also be subject to best management practices intended to limit fugitive dust and protect stormwater quality, also in accordance with standard conditions noted in Section III, Air Quality, of this initial study. Ongoing operations of the winery and its events are also anticipated to have less than significant noise impacts on nearby residences due to distance between those residences and the proposed outdoor tasting/event areas, and visual impacts from winery operations would be less than significant with compliance with project-specific and standard County conditions of approval imposing restrictions on design and utilization of exterior lighting. (See Section I, Aesthetics, of this initial study.) Compliance with permit regulations governing the design and/or periodic inspection of stormwater and floodplain management improvement, wastewater treatment systems, and hazardous materials storage facilities, as described in Section VII, Geology and Soils, Section IX, Hazards and Hazardous Materials, and Section X, Hydrology and Water Quality, of this initial study would ensure preservation of public health and safety by minimizing risk of contamination of surface or groundwaters. The project would have a less than significant impact.

Mitigation Measures:

Implementation of Mitigation Measures BIO-1, BIO-2, TRAN-1 and TRAN-2 are recommended to reduce the potentially significant impacts of the project, as described further in Sections IV, Biological Resources, and XVII, Transportation, of this initial study.

Significance after Mitigation:

The project is not anticipated to substantially impact biological resources or transportation systems with implementation of the above-listed Mitigation Measures. The project impacts are anticipated to be less than significant with mitigation incorporated.
