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## CEQA Memorandum



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**Planning, Building & Environmental Services**

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**David Morrison**  
Director

**MEMORANDUM**

To: Planning Commission	From: Charlene Gallina, Supervising Planner
Date: April 7, 2021	Re: P19-00167-MOD Major Modification Categorical Exemption Determination Madonna Estate Winery 5400 Old Sonoma Road, Napa Assessor Parcel #047-110-016

Background

Pursuant to Section 303 of Napa County’s Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Madonna Estates Winery Major Modification Application (File No. P19-00167-MOD) located at 5400 Old Sonoma Road.

The project proposes a modification of a Use Permit (#U-177778 and subsequent modifications) for an existing 50,000 gallon per year winery to allow the following changes:

**A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:**

1. Recognition of a 180-person increase in by-appointment visitation for a combine total of 280 daily visitors and a weekly maximum of 1,044 visitors. Currently authorized for 100 public visitors a day with a weekly maximum of 500 visitors;
2. Recognition of six (6) full-time employees and seven (7) part-time employees. Currently authorized for five (5) full-time employees and one (1) part-time employee; and
3. Recognition and continued use of picnic tables at the corner of Old Sonoma Road and Highway 12 as employee waiting area. Applicant was required to remove the tables per Use Permit Modification #U-177778-MOD#3 Condition of Approval No. 7.

**B. EXPANSION BEYOND EXISTING CONDITIONS:**

1. Addition of an approximately 1,080 sf cover over an existing crush pad;
2. Improve gravel entry walkway to pervious pavers with visitor tables;
3. Use of outdoor areas for tastings;
4. On-premises consumption of wines produced on-site located in the hospitality portion of the winery building and outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill); and
5. Installation of accessible parking space and walkway to winery.

### Existing Setting

The project is located on a 4.37-acre parcel at the corner of State Highway 12 and Old Sonoma Road; accessed via a driveway on Old Sonoma Road. The General Plan land use designation is Agriculture, Watershed and Open Space (AWOS) and is within the Agricultural Watershed (AW) zoning district; 5400 Old Sonoma Road, Napa; APN: 047-110-016.

Development on the property includes the winery building, water storage and fire pump building, associated site improvements including parking lot, wastewater system, and approximately 1 acre of vineyards. Carneros Creek is located to the east along the project's property line. All existing winery development is located 100 feet from the top of bank. There is also a telecom site on the property (approved under separate permit – P12-00073-Telecom and P17-00176-MOD).

### Past Approvals:

On May 3, 1978, the Planning Commission approved Use Permit U-177778 establishing a 50,000-gallon 5,200 sf winery on the 4.5-acre parcel. The winery was authorized to have the following: 1) Public tours and tastings limited to 50 visitors per day with weekly visitation of 300 persons as noted in the use permit application; 2) three (3) full-time and one (1) part-time employees for a total of four employees; 3) hours of operation 8:00 am to 5:00 pm six (6) days a week; and 4) 26 total parking spaces – four (4) employee spaces and 22 customer spaces. No marketing events authorized with this request.

On August 18, 1982, the Planning Commission approved Use Permit Modification U-18283 for the construction of a 4,680 sf warehouse addition to the facility.

In 1985, the Planning Commission authorized in a modification an approximate 950 sf tank pad for eight (8) additional tanks. At that time because of its visibility from the highway, the applicant proposed three options to accommodate screening of the tanks. Pursuant to one of those options, the Commission required the tanks to be screened with a block wall 12 to 14 feet high and a sloping tile roof to match the existing winery building.

On September 20, 1989, the Planning Commission approved Modification #3 to Use Permit U-177778 authorizing a 3,300 sf enclosure of the existing winery fermentation and processing area as modified by the Commission on September 20, 1989. All picnic tables located at the corner of Old Sonoma Road and State Highway 12 was required to be removed within thirty (30) days of the issuance of a building permit for the 3,330 sf enclosure. Use of the remaining on-site picnic areas was limited to attendees of private events only.

Staff review of the modification's application revealed the following winery operations at the time: 1) 100 visitors per day with an average of 50 visitors per week; 2) hours of operation - seven (7) days per week, 8:00 am to 5:00 pm; 3) five (5) full time employees and one (1) part-time for a total of six (6) employees; and 4) 24 parking spaces for customers and six (6) parking spaces for employees. Furthermore, the winery had a very developed picnic area, which was identified in the staff report that typically picnicking had been precluded as an acceptable ancillary use to a winery and that restriction of the picnicking activity on-site

would require modification of the proposed conditions of approval. With this application, additional parking spaces requested included six (6) customer and two (2) for buses for an overall total of 38 parking spaces. However, staff found that the approval letter was silent on the winery's existing conditions and authorization of these requested changes. Given this, staff is recognizing that these changes were authorize in conjunction with this modification.

### CEQA Exemption Criteria and Analysis

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. The construction of the 1,080 sf cover over the existing crush pad and improvements to the parking, walkway, and entry patio qualify under Article 19: CCR Section 15303 (Class 3, New Construction or Conversion of Small Structures), which permits construction of accessory structures, including carports and patios, as an exempt activity from CEQA. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.

As noted above, the Use Permit Major Modification Application also requests recognition of existing levels of visitation and employees, occurring beyond their current entitlements. Although not permitted under Use Permit #U-177778 or subsequent modifications, these operational activities are already occurring at the subject site and no intensification of these activities is requested as part of this application.

As described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018, the subject application was submitted prior to the submittal deadline of March 29, 2019 at 2:00 p.m. and was found to be substantially conforming. Accordingly, the County may use the winery's existing operations as the environmental baseline for the CEQA analysis related to this application.

Any and all visitation associated with on-premises consumption shall be subject to the maximum per person daily tours and tastings visitation limitation. The addition of on premises consumption and use of outdoor areas for visitation would not expand the current level of operation. Therefore, no additional analysis of the winery's operational components is required.

Under CEQA Guidelines Section 15300.2, a Class 3 Categorical Exemption cannot be used if the project substantially affects mapped or designated environmentally sensitive areas or resources. There are no environmentally sensitive resources (source: Napa County Geographic Information System including California Natural Diversity Database layer) on the subject property. According to the County's resource maps, there are no scenic resources, hazardous waste sites, nor historic resources identified on the site. The project does not result in substantial effects to mapped or designated environmentally sensitive areas or resources. No native trees or native vegetation will be removed to construct these minor improvements.

Based upon the above analysis there is no reasonable possibility that the project would have a significant effect on the environment or damage scenic resources because there will be only minor physical changes to the existing development on the project site. Based on the proposed project as described above, the Madonna Estates Winery Use Permit Major Modification application request meets the criteria for eligibility as a Class 3 Categorical Exemption from CEQA.