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## Categorical Exemption Determination



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## MEMORANDUM

To:	Planning Commission	From:	Melanie Jackson, Planner III
Date:	May 19, 2021	Re:	Taplin Cellars Winery Use Permit P20-00165 Categorical Exemption Determination Assessor Parcel No. 027-100-005

### Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Taplin Cellars Winery Use Permit Application (File No. P20-00165).

The applicant is requesting approval of a use permit to allow the establishment of a new winery within a portion of an existing agricultural structure. Approval of the use permit would allow for the following: 1) establishment of a 20,000 gallon per year winery within an approximately 3,615 square foot portion of an existing, approximately 5,800 square foot agricultural structure; 2) tours and tastings for up to 12 guests per day/80 guests per week during harvest season and up to 16 guests per day/90 persons per week during non-harvest season; 3) up to eight (8) marketing events per year with up to 30 guests per event and one (1) annual wine auction event for up to 100 guests; 4) catered food during events; onsite wine consumption (AB 2004) within the winery coverage area; 5) two full-time employees, with an additional two part-time employees during harvest season; 6) production hours between 9:00 a.m. and 5:00 p.m. Monday through Sunday and visitation hours between 10:00 a.m. and 5:00 p.m. Monday through Sunday; 7) road improvements, consistent with the Napa County Road and Street standards, beginning at the intersection of Lewelling Lane and State Highway 29 and ending at the entrance to the proposed winery; 8) replacement of the existing, manual gate on Lewelling Lane with an electronic gate; 9) construction of a parking area with six (6) parking stalls, one of which will be ADA compatible; and 10) addition of a 1,036 square foot covered crush pad to the northwest side of the existing agricultural structure.

### Existing Setting

The subject property is located at 1677 Lewelling Lane, approximately 1/3 of a mile from the intersection of Lewelling Lane and St. Helena Highway in the St. Helena area. The property is zoned Agricultural Preserve (AP) and is designated Agricultural Resource (AR) by the Napa County General Plan.

The project site has historically been utilized for farming and ranching activities and is presently the site of approximately 17.5 acres of wine grape vineyards. The vineyards produce approximately 95 tons of wine grapes annually, which are presently sold to other wine producers in Napa County. These grapes would be utilized for the proposed winery once it is established.

The property is currently developed with an approximately 1,100 square foot single-family residence, 300 square foot guest cottage, three sheds totaling approximately 1,047 square feet and an approximately 5,800 square foot barn/workshop. The property is served by an on-site well for potable water and a septic system and leach field for on-site sewage disposal.

#### CEQA Exemption Criteria and Analysis

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. The proposed project would be considered exempt under §15303 (Class 3, New Construction or Conversion of Small Structures) of the State Guidelines and under Appendix B of Napa County's Local Procedures for Implementing CEQA (Additional Categorically Exempt Projects in Napa County), Item No. 10 – Construction and operation of small wineries, other agricultural processing facilities and farm management uses that: (a) are less than 5,000 square feet in size excluding caves; (b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet within all of the excavated cave spoils to be used on site; (c) will produce 30,000 gallons of wine or less per year; (d) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; (e) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; and 5) hold no temporary events. This determination is based on the following analysis:

10. Construction and operation of small wineries, other agricultural processing facilities and farm management uses that:

(a) Are less than 5,000 square feet in size excluding caves;

The proposed winery facility would consist of approximately 3,615 square feet within an existing, approximately 5,800 square foot agricultural structure. Thus, the winery area would be less than 5,000 square feet in size and would meet the requirement of 10(a). The remaining area in the structure, approximately 1,900 square feet, would be used for private, non-winery related uses, including storage of vineyard equipment and a private farm management office.

(b) Will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet within all of the excavated cave spoils to be used on site;

The proposed project does not include construction of a wine cave.

(c) Will produce 30,000 gallons or less per year;

The proposed project will produce 20,000 gallons of wine per year.

(d) Will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place;

According to the County of Napa's Winery Traffic Information/Trip Generation Sheet, based on the proposed number of employees and daily/weekly visitors, the project's daily traffic volumes during harvest season would be 19 vehicle trips with 3 daily vehicle trips during the p.m. peak hours (4:00 p.m. – 6:00 p.m.). Weekend vehicle trips during harvest season would be 19 with 4 trips occurring during peak hours (3:00 p.m. to 4:00 p.m.). Therefore, the proposed winery would not generate more than 40 vehicle trips per day and not more than 5 peak hour trips per day (except on days when marketing events occur).

- (e) Will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance;

The proposed project includes up to eight (8) marketing events per year with up to 30 attendees and one annual auction event with up to 100 attendees.

- (f) Hold no temporary events.

The proposed project does not include temporary events.

Under Section 15300.2 of the California Environmental Quality Act, Exceptions [to findings of exemption], a project cannot be deemed exempt under Section 15303, Class 3 (New Construction or Conversion of Small Structures), if environmental sensitivities exist on the project site. The list of sensitivities identified in Section 15300.2 include: (a) Location; (b) Cumulative Impact; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources. Staff has reviewed the County's GIS Environmental Resource maps (which identify potential environmental sensitivities) in conjunction with Section 15300.2 and has determined that such environmental sensitivities do not exist on the project site. This determination was made based on the analysis discussed, below:

#### 15300.2. EXCEPTIONS [to Exemption from CEQA]

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

According to the Napa County Environmental Resources GIS Map (Resources Map), a recorded sighting of the Northern Spotted Owl (NSO) occurred within a 2-mile radius of the project site. The NSO is known to inhabit cool, shaded forest areas and the project site does not include habitat that meets this criteria. The subject property is a low-lying property on the valley floor that is developed with 17.5 acres of vineyards, a single-family residence and a guest house. The property is bordered on all sides by vineyards and there is minimal tree canopy cover on the site or in the surrounding area. Correspondence provided by Steve Zalusky, Principal Biologist with Northwest Biosurvey, on July 22, 2020, noted that it would be extremely unusual for NSO to be found nesting within the subject property and that a northern spotted owl pre-construction survey would not be recommended for development

of the proposed project. Because there is little to no NSO habitat on or near the subject property, and because the property was previously developed, staff has concluded that the project would not impact NSO and therefore, would not impact an environmental resource of critical concern.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The applicant proposes establishing a new, 20,000-gallon winery on the project site with visitation and marketing. Uses within the immediate area of the project site include vineyards and wineries, including Sutter Home and Louis M Martini wineries. While it is possible that a new winery in the project area would contribute to cumulative impacts, the modest nature of the proposed project would not increase activities in the project area enough to result in significant cumulative impacts to the area. In addition, the property is presently developed with 17.5 acres of grape vineyards, a single-family residence and guest house, and an existing 5,800 square foot structure, a portion of which will be converted into the proposed winery. The majority of project development would occur within previously disturbed areas and would cause minimal ground disturbance. Further, the project proposes a visitation and marketing program that would produce, at most, 19 vehicle trips to the property on a weekend day, four of which would occur during peak traffic hours of 3:00 p.m. to 4:00 p.m. Taking into consideration the number of vehicle trips produced by the larger, neighboring wineries in the vicinity, the addition of 19 vehicle trips would be considered negligible. Therefore, staff has concluded that the project site would not result in cumulative impacts.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no proposed activities on the subject property that would result in a significant effect on the environment due to unusual circumstances. Development of the proposed project would occur within previously disturbed areas on the project site, including an interior remodel to a portion of the existing agricultural structure, the addition of a covered crush pad and improvements to Lewelling Lane, the driveway and the parking area, all of which are presently utilized. No additional development of the property is proposed. In addition, the subject parcel is presently developed and includes 17.5 acres of vineyards, which is consistent with the proposed winery use. As such, there are no unusual circumstances on the subject property that could be subject to impacts resulting from implementation of the proposed project.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The subject property is accessed via Highway 29, which is not officially designated as a state scenic highway. The project would result in minimal tree removal and no rock outcroppings or historical structures exist on the project site. As such, the project would not result in damage to scenic resources within a state scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project is not on any lists of hazardous waste sites.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed winery would be established within an existing agricultural structure that was constructed in 2007 and is not considered an historical resource. No other structural modifications on the subject property are proposed. Further, there are no known historical resources on the subject property.

Therefore, based upon the analysis above, the proposed project meets the criteria for a categorical exemption under §15303 (Class 3, New Construction or Conversion of Small Structures) of the State Guidelines and under Appendix B of Napa County's Local Procedures for Implementing CEQA (Additional Categorically Exempt Projects in Napa County), Item No. 10 – Construction and operation of small wineries.