

“C”

Categorical Exemption Memorandum



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

| | |
|-------------------------|--|
| To: Planning Commission | From: Jason R. Hade, Principal Planner |
| Date: July 21, 2021 | Re: Chateauneuf du Pott Winery #P19-00408-UP & #P19-409-VAR Categorical Exemption Determination Assessor Parcel #034-100-046 |

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 Chateauneuf du Pott Winery Use Permit Application (File No. P19-00408) and Variance Application (File No. P19-00409).

The project proposes:

Approval of a use permit (#P19-00408) to establish a new 20,000 gallon per year winery with the following components:

- (a) The construction of an approximately 4,638 square foot winery building with approximately 3,881 square feet of production space and approximately 757 square feet of accessory space;
- (b) The construction of a 2,066 square foot covered crush pad and utility yard;
- (c) Use of an existing pole barn to house pump equipment and a generator;
- (d) Installation of seven parking spaces;
- (e) The construction of a wastewater disposal system, 1,000 gallon pre-treatment tank and 20,000 gallon post-treatment tank (below grade);
- (f) Installation of a fire protection water tank and domestic water tank;
- (g) Construction of a new driveway connection from Mount Veeder Road consistent with the Napa County Road and Street Standards;
- (h) Incorporation of the avoidance measures identified in the Biological Resources Assessment prepared for the project by Analytical Environmental Services on September 5, 2017 into the project design including a 65-foot stream setback, submittal of special-status bird species and other migratory passerines (perching birds) pre-construction surveys to Planning Division staff prior to issuance of the grading permit if vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through September 30), and installation of silt fencing along the northern project development area during project construction to prevent potential project-related sediment latent runoff from entering Pickle Creek during rain events.

- (i) On-premises consumption of wines produced on site within the 2,066 square foot concrete covered crush pad area and 668 square foot outdoor patio in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
- (j) Three (3) full time employees and three (3) part-time employees;
- (k) Hours of operation:
 - Production, 6:00 am to 6:00 pm;
 - Hospitality, 10:00 am to 4:00 pm;
- (l) Visitation would be a maximum of 10 visitors per day; maximum 70 visitors per week;
- (m) A Marketing Program: Three (3) events per year for a maximum 30 guests (all Marketing events would be catered).

A variance is also requested to permit the construction of the winery building approximately 66-feet from the centerline of Mount Veeder Road within the required 300-foot winery setback.

Existing Setting

The project is located on a 40-acre parcel on the northeast side of Mount Veeder Road. The General Plan land use designation is Agriculture, Watershed and Open Space (AWOS) and the property is within the Agricultural Watershed (AW) zoning district; 2072 Mount Veeder Road, Napa; APN: 034-100-046.

The property was previously developed with a single-family residence and barn which were destroyed by wildfire in October 2017. A steel pole barn survived the fire and remains onsite today. Access to the property is from Mount Veeder Road via an existing driveway. The nearest residence to the winery is approximately 450 feet to the southwest. A blue line stream (Pickle Creek) runs through the western area of the subject site.

CEQA Exemption Criteria and Analysis

Because of the minimal construction and limited operations, the Planning Division finds the project to be categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15303, Class 3 (New Construction or Conversion of Small Structures) and Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under Class 3: New Construction or Conversion of Small Structures, #10 for the 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 with all of the excavated cave spoils to be used on site;
 - (c) will produce 30,000 gallons 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**
 - (f) will hold no temporary events.
- a) are less than 5,000 square feet in size excluding caves.

Response: The project proposes the construction of an approximately 4,638 square foot winery building with approximately 3,881 square feet of production space and approximately 757 square feet of accessory space.

- b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet with all of the excavated cave spoils to be used on site.

Response: There is no proposal for caves on this project site.

- c) will produce 30,000 gallons or less per year.

Response: The applicant proposes to produce up to 20,000 gallons/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.

Response: According to a *Focused Traffic Analysis for the Chateauneuf du Pott Winery* prepared by W-Trans on June 16, 2020, based on standard operational assumptions, the proposed winery would be expected to generate an average of 14 trips during a typical weekday, with five trips during the evening peak hour; on Saturdays an average of 14 daily trips would also be anticipated, with six trips expected during the weekend peak hour. During harvest the project would be expected to generate 24 daily trips on weekdays and 23 on Saturdays, with eight peak hour trips on weekdays and nine on Saturdays. However, as visitor appointments would be scheduled to avoid generating peak hour trips, the project would be expected to generate only two peak hour trips during normal operation and five peak hour trips during harvest.

- 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.

Response: The project proposal requests to host a maximum of three (3) marketing events per year for a maximum of 30 guests (each?). Use of a shuttle service is planned for the marketing events.

- f) will hold no temporary events.

Response: No temporary events are proposed as part of the project and a condition of approval is recommended prohibiting such events.

Under Section 15300.2 of the California Environmental Quality Act, a Class 3 (Section 15303) exemption cannot be used if the project substantially affects mapped or designated environmentally sensitive areas or resources or if there will be cumulative impacts. No grading would occur in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist. Portions of the 40-acre project parcel lie within a sensitive biotic vegetation aquatic buffer zone, coniferous forest, riparian woodland, and oak woodland areas. However, the project does not result in substantial effects to mapped or designated environmentally sensitive areas or resources and has been designed to incorporate the avoidance measures outlined above. Specifically, a total of 0.21 acres of woodland would be removed for project construction and 0.91 acres of coast live oak woodland is slated for preservation consistent with current County policy (Napa County Code section 18.108.020(D).) In addition, the project meets the County's Vegetation Retention Requirements, which require the maintenance of 70 percent vegetation canopy cover (Napa County Code section 18.108.020(C).) According to the County's resource maps, there are no scenic resources, hazardous waste sites, nor historic resources identified on the

site. If resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with the following 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 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.

With the location of the closest receptor residence ± 450 feet away to the southwest of the project site, potential noise impacts from periodic bottling activities would have a less than significant impact on local residences. Recent noise studies of bottling activities measured 630 feet from the activity itself found the noise levels to be 36 dBA. (Paul Hobbs - Nathan Coombs Winery Environmental Noise Assessment, Illingworth & Rodkin, Inc, June 25, 2016). The noise studies further state that such point source sound levels are reduced with distance in accordance with the "inverse square law", which yields a six (6) dB sound reduction for each doubling of the distance from the source.

Based upon the measurements and calculation stated in that study, the receptor residence located ± 450 feet away, the noise level for the bottling activity at the adjacent residence would be approximately 3 decibels more than the measured 36 dBA noise level 630 feet from the bottling line, or 39 dBA. Additionally, the proposed three marketing events for up to 30 people would generate vocal noise (amplified music would be prohibited). But, by using the noise measurements taken at a winery event with an attendance of 100 people (plus background music) in the previously mentioned report, 38 dBA at 600 feet, it can be calculated that at a 450 foot distance, the noise level for an event would be 2.5 dB higher, or 40.5 dBA. The calculated noise levels do not exceed the County's Noise Ordinance "Exterior Noise Limits" at the nearest residence (45dBA).

Therefore, based upon the above analysis there is no reasonable possibility that the project would have a significant effect on the environment, or damage scenic resources because of its limited scope and any noise generated by the project would not exceed the levels established by the County Noise Ordinance.

The construction of the proposed winery building and associated improvements is a minimal modification of the existing site conditions and the proposed visitation and marketing program would not create a cumulative significant traffic impact.

The requested variance is exempt from CEQA pursuant to Section 15305(a) which addresses setback variances.

Based upon the project's compliance with the criteria established for a small winery and based upon the above indicated determination regarding significant impacts, it can be determined that this proposal meets the Categorical Exemption discussed above, and the project is exempt from CEQA.