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CEQA Memo



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David Morrison
Director

To: Zoning Administrator	From: Sean Trippi, Project Planner
Date: September 10, 2021	Re: Amizetta Family Estates Winery Small Winery Exemption Use Permit P19-00132 & Variance P21-00229 Categorical Exemption Determination 1089 Greenfield Road, St. Helena Assessor's Parcel Number 025-390-010

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 Amizetta Winery Use Permit Application (File No. P19-00132) and Variance (P21-00221).

The Napa County Planning Division has received a request for a Use Permit for a small winery established under a Small Winery Use Permit Exemption approved on May 18, 1984 for an existing 12,000 gallon per year winery to allow the following:

A. Components Necessary to Remedy Existing Violations:

- 1) Recognition of annual wine production of 15,677 gallons (averaged over three years);
- 2) Recognition of existing visitation of a maximum of 30 visitors per day, Monday through Sunday; maximum 210 visitors per week;
- 3) Recognition of existing visitation hours of operation; 10:00 AM to 6:00 PM seven days a week and existing production hours of operation; 7:00 AM to 5:00 PM, Monday through Saturday;
- 4) Recognition of an existing outdoor tasting area; and,
- 5) Recognition of five (5) full time employees

B. Expansion Beyond Existing Entitlements:

- 1) Increase annual wine production from 15,667 gallons to 20,000 gallons;
- 2) Construct a new hospitality building and construct additions to the existing winery building to no more than 5,000 s.f. of total floor area, including a commercial kitchen;
- 3) Increase the area of the cave to no more than 5,000 s.f.;
- 4) New outdoor work and tasting areas;
- 5) Provide 12 new parking spaces;
- 6) Food and wine pairings are proposed with the existing visitation requested for recognition;
- 7) A marketing program with eight (8) events per year with a maximum of 15 guests for each event and two (2) events per year with a maximum of 25 guests;
- 8) Use of the existing cave for guided tours only (Type II);

- 9) On-premises consumption of wines produced on site in the tasting areas (indoor and outdoor) in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
- 10) Installation of a 50,000 gallon water tank and new well; and,
- 11) Upgrading/replacing the existing domestic/process wastewater treatment system.

The request includes an exception to the Napa County Road & Street Standards from the commercial driveway width standard at various locations throughout the existing driveway. The request also includes a variance to allow the construction of the proposed hospitality building to be setback approximately 200-feet from the centerline of the existing shared access road on-site where 300-feet is required.

Existing Setting

The 21.5-acre site is located in the hills north of Lake Hennessey, a little over a mile north of the lake, at the terminus Greenfield Road. The project site is currently developed with a winery, wine caves, approximately 9.9 acres of vineyards, a residence, and wooded areas. Properties in the vicinity of the project site range in size from 0.40 to 450 acres. Surrounding uses include single-family homes, vineyards, and a few producing wineries (Aonair, Seavey and Buehler). An unnamed tributary stream runs from northeast to southwest and into Moore creek. Undeveloped areas are generally heavily wooded. Elevations range from approximately 700-ft. to 1,100-ft. above mean sea level.

Past Approvals

A Small Winery Use Permit Exemption was approved for the subject site on May 18, 1984 permitting a maximum production capacity of 12,000 gallons per year, a 2,700 square foot building, three full-time and one-part time employees, hours of operation of 8:00 am to 4:00 pm five days a week, and five parking spaces. Visitation was limited to retail sales with no public tours or tastings permitted.

Environmental Analysis

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. 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.

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. This project qualifies as an exempt activity under Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B, under Class 3: New Construction or Conversion of Small Structures, #10 Construction and operation of small wineries. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

The proposal includes additions to the existing winery building, a new hospitality building and expansion of the existing cave. The proposed increase to production increase, floor area, and cave expansion do not exceed the threshold pursuant to the exemption identified above. 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.

Under CEQA Guidelines Section 15300.2, Class 3 Categorical Exemptions cannot be used if the project substantially affects mapped or designated environmentally sensitive areas or resources. The unnamed tributary which appears within the southern portion of the site is not mapped as an environmentally sensitive resource (source: Napa County Geographic Information System including California Natural Diversity Database layer). However, the site does include mixed oak woodlands. The project does not result in substantial effects to mapped or designated environmentally sensitive areas or resources. No native trees or native vegetation would be removed to construct the project. 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.

As noted above, the Use Permit application also requests recognition of existing visitation, hours of operation, and employees. Although not initially permitted under the Small Winery Use Permit Exemption, these 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 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. The minor expansion of current operations requested as part of this application is analyzed above.

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. Based on the proposed project as described above, the application request meets the criteria for eligibility as an exempt activity under Napa County's Local Procedures for Implementing the California Environmental Quality Act, appendix B, under Class 3: New Construction or Conversion of Small Structures, #10 Construction and operation of small wineries