

COUNTY OF NAPA
 CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
 1195 Third Street, Rm. 210
 Napa, California, 94559
 (707) 253-4416

INITIAL STUDY

PROJECT NAME: RENE DI ROSA
FILE NO: U-91-8

PROJECT DESCRIPTION: Request for a Use Permit to establish an indoor and outdoor art display that would be open to the public on a controlled basis, and a wildlife preserve. Existing structures totaling 11,281 sq. ft. will be used, and new structures totaling 15,675 sq. ft. will be constructed. The location is a 52.71 acre parcel on the north side of State Highway 12/121 approximately 1200 ft. west of the intersection with Duhig Rd. in an AW (Agricultural Watershed) district. (APN 47-080-53)

JURISDICTIONAL BACKGROUND:

Public Plans and Policies

Based on an initial review, the following findings have been made for the purpose of the Initial Study and do not constitute a final finding by the County in regard to the question of consistency.

	YES	NO	N/A
Is the project consistent with:			
a) Regional and Subregional Plans and Policies?	<u>X</u>	—	—
b) LAFCOM Plans and Policies?	—	—	<u>X</u>
c) The County General Plan?	<u>X</u>	—	—
d) Appropriate City General Plans?	—	—	<u>X</u>
e) Adopted Environmental Plans and Goals of the Community?	<u>X</u>	—	—
f) Pertinent Zoning?	<u>X</u>	—	—

- * Mitigable (see Mitigation Measures below)
- ° Cumulatively Significant Only

Responsible (R) and Trustee (T) Agencies

Cal Trans (State)

Other Agencies Contacted

Co.: Public Works, Environ. Man., Co. Counsel,
 Building, Assessor
 State: Fish and Game, Forestry

ENVIRONMENTAL SETTING: A gently to moderately sloping site with slopes between 2 and 20%. Over half of the 52+ acres consists of the existing lake. To the southeast, slopes are in the range of 1-3%, to the west, slopes are approximately 8% and to the northeast, slopes are 33% on the side of the ridge. Elevation ranges from 120 to 240 ft. MSL. The site is in the Carneros region with soils at the northwest end of the lake (where most of the improvements would be) made up of Forward Gravelly Loam and Haire Clay Loam, classes III, IV and VII. Some construction may occur on slopes over 5% which will require approval of an Erosion Control Plan submitted by the applicant. There is no indication of geologic instability, archaeological sensitivity, or rare plants. No flood hazard is noted. The only access is directly onto Highway 12/121 which is at Level of Service F, as reported by the applicant's traffic consultant, Omni-Means. A left turn lane and an encroachment permit will be required. Vegetation consists of riparian cover, eucalyptus and olive trees, and some vineyard. Surrounding land uses include vineyard, wineries, and watershed, open space. The existing lake has become a habitat for migratory and non-migratory birds.

ENVIRONMENTAL EFFECTS:
Normally Significant Individual Impacts

YES NO

(Geology)

- | | | | |
|---|----------|----|--|
| — | <u>X</u> | 1. | Exposure of new site users to substantial life and/or property hazards from geologic processes (<i>e.g.</i> , severe settlement, sliding, faulting, intense seismically induced ground shaking, seismically-induced ground failures, etc.). |
| — | <u>X</u> | 2. | Exposure of existing area occupants to substantially increased life and/or property hazards from geologic processes. |
| — | <u>X</u> | 3. | Damage, destruction or burial of any unique or scientifically important geologic or geomorphologic feature. |

(Meteorology)

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|---|----------|----|---|
| — | <u>X</u> | 4. | Substantial modification of climatic or microclimatic conditions (<i>e.g.</i> , temperature, rainfall, wind, shadow patterns, etc.). |
|---|----------|----|---|

(Hydrology)

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|---|----------|----|---|
| — | <u>X</u> | 5. | Exposure of new site users to substantial life and/or property hazards from flooding (<i>e.g.</i> , stream flooding, tsunamis, seiches, dam or levee failure, etc.). |
| — | <u>X</u> | 6. | Exposure of existing area occupants to substantially increased life and/or property hazards from flooding. |
| — | <u>X</u> | 7. | Substantial temporary construction period increase in erosion and/or sedimentation. |
| — | <u>X</u> | 8. | Substantial permanent increase in erosion and/or sedimentation. |
| — | <u>X</u> | 9. | Substantial depletion of groundwater resources or significant interference with groundwater recharge. |

(Water Quality)

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|---|----------|-----|--|
| — | <u>X</u> | 10. | Substantial degradation of the quality of waters present in a stream, lake, or pond. |
| — | <u>X</u> | 11. | Substantial degradation of the quality of groundwater supplies. |
| — | <u>X</u> | 12. | Substantial contamination of a public or private water supply. |

(Air Quality)

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| — | <u>X</u> | 13. | Exposure of new site users to substantial health hazards from breathing polluted air. |
| — | <u>X</u> | 14. | Exposure of existing area occupants to substantially increased health hazards from breathing polluted air. |
| — | <u>X</u> | 15. | Substantial degradation of local or regional air quality. |
| — | <u>X</u> | 16. | Exposure of new site users or existing area occupants to annoyance from dust and/or highly objectionable odors. |

(Noise)

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|---|----------|-----|--|
| — | <u>X</u> | 17. | Exposure of new site users to health hazards from noise levels in excess of those recognized as necessary to protect public health and welfare. |
| — | <u>X</u> | 18. | Exposure of existing area occupants to health hazards from noise levels in excess of those recognized as necessary to protect public health and welfare. |
| — | <u>X</u> | 19. | Exposure of people to high construction noise levels for substantial periods of time. |
| — | <u>X</u> | 20. | Exposure of existing area occupants to annoyance from substantially increased ambient noise levels. |

* Mitigable (see Mitigation Measures below)

° Cumulatively Significant Only

YES NO

(Ecosystem)

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|-----------|----------|-----|---|
| — | <u>X</u> | 21. | Substantial reduction in the number of a rare or endangered species of plant or animal or damage or restriction of the habitat of such a species. |
| <u>X*</u> | — | 22. | Destruction of or substantial damage to a unique, scarce, or particularly productive biological area (e.g., marshes, riparian galleries, vernal pools, etc.). |
| — | <u>X</u> | 23. | Substantial reduction in habitat for plants, fish, and/or wildlife. |
| — | <u>X</u> | 24. | Substantial modification in the number or diversity of plant or animal species present. |
| <u>X*</u> | — | 25. | Substantial interference with the movement of a resident or migratory fish or wildlife species. |

(Social)

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| — | <u>X</u> | 26. | Disruption or division of an established community. |
| — | <u>X</u> | 27. | Displacement of a large number of people. |

(Aesthetic)

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|-----------|----------|-----|--|
| <u>X*</u> | — | 28. | Blockage or substantial degradation of important public or private views. |
| <u>X*</u> | — | 29. | Exposure of new site users or existing area occupants to annoyance from increased nighttime light levels or glare. |
| — | <u>X</u> | 30. | Creation of a litter problem. |

(Cultural)

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|---|----------|-----|---|
| — | <u>X</u> | 31. | Destruction of or substantial damage to a recognized archaeological site. |
| — | <u>X</u> | 32. | Destruction of or substantial damage to the historical character of a recognized historical structure, facility, or feature. |
| — | <u>X</u> | 33. | Elimination of or conflict with the established recreational, educational, religious, or scientific uses of the project site or surrounding properties. |

(Traffic)

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|-----------|----------|-----|---|
| <u>X*</u> | — | 34. | Exposure of new site users to substantial life and/or property hazards from traffic accidents. |
| <u>X*</u> | — | 35. | Exposure of the existing users of the roads providing access to the project site to substantially increased life and/or property hazards from traffic accidents. |
| — | <u>X</u> | 36. | Exposure of the users of the roadways providing access to the project site to annoyance from noticeably increased traffic congestion. |
| — | <u>X</u> | 37. | Increase in traffic on the roadways providing access to the project site which is substantial in relation to the existing traffic load and capacity of the street system. |
| — | <u>X</u> | 38. | Creation of a substantial local parking problem. |

(Energy)

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|---|----------|-----|---|
| — | <u>X</u> | 39. | Increase in the demand for energy which is substantial in relation to the existing energy demands of the area. |
| — | <u>X</u> | 40. | Creation of a facility or development which will use fuel or energy in a wasteful manner. |
| — | <u>X</u> | 41. | Creation of a facility or development which will use substantially higher than average amounts of fuel or energy for transportation purposes. |

(Public Health)

- | | | | |
|-----------|----------|-----|--|
| — | <u>X</u> | 42. | Exposure of new site users to substantial health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests. |
| — | <u>X</u> | 43. | Exposure of existing area occupants to substantially increased health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests. |
| <u>X*</u> | — | 44. | Exposure of new site users to substantial life and/or property hazards from fire. |
| — | <u>X</u> | 45. | Exposure of existing area occupants to substantially increased life and/or property hazards from fire. |

* Mitigable (see Mitigation Measures below)

° Cumulatively Significant Only

YES NO

(Public Health)

- X 46. Exposure of new site users to substantial life and/or property hazards from air crashes.
- X 47. Exposure of existing area occupants and/or existing air or heliport users to substantially increased life and/or property hazards from air crashes.
- X 48. Exposure of new site users or existing area occupants to substantial annoyance from insect or rodent pests.

(Community Services)

- X 49. Increase in the demand for a community service (*e.g.*, sewer, water, fire protection, schools, etc.) which is substantial in relation to the currently existing uncommitted capacity of the agency involved to provide such a service.

(Commercial Resources)

- X 50. Preclusion of the development of aggregate, rock product, or mineral resources of current or potential importance.
- X 51. Removal of a substantial amount of agricultural or grazing land from current or potential production.

(Fiscal)

- X 52. Creation of a development to which it would cost the community substantially more to provide services than it would return in taxes.

(Growth Inducement)

- X 53. Inducement of substantial residential, commercial, or industrial development.

Mandatory Findings of Significance

YES NO

Does the project:

- a) Have the potential to 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 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) Have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
- c) Have possible environmental effects which are individually limited but cumulatively considerable?
- d) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

— X

— X

— X

— X

* Mitigable (see Mitigation Measures below)

° Cumulatively Significant Only

Impact Discussion

[All items checked above "YES", "YES, mitigable", or "YES, cumulatively significant" must be discussed below.]

HYDROLOGY/WATER QUALITY- Erosion and sediment in runoff caused by any grading for construction on slopes over 5% will be covered by the Erosion Control Plan required by Ord. 991. No further erosion control measures are needed.

ECOSYSTEM- The lake that exists on the property has become a bird sanctuary. The application is for a wildlife preserve as well as an art display; however, the introduction of more people and activity near the lake can result in damage to this area. To ensure that the more urban use involving the public viewing the art on the property does not compromise the wildlife refuge, mitigation measures are warranted.

AESTHETIC- The concerns here are two fold. First, is the preservation of the pastoral visual experience as seen from the highway. Second, the concerns associated with entrance and egress to the property require a low visibility so as to not encourage the curious sightseers from turning into the driveway without prior appointments. Mitigation measures regarding no additional art that is visually prominent from the Highway are warranted.

TRAFFIC- The traffic levels on Highway 12/121 are at Level of Service F as reported by the applicant's traffic consultant Omni-Means in their "Access Analysis" dated Aug. 28, 1990 and incorporated into this initial study by reference. The project has generally been designed to reduce traffic impacts by specifying that the public arriving to view the art collection use van-pooling if possible, limitations on tour size, and limiting tours to (non-specific) off-peak season, days and times. Further Mitigation Measures are warranted to limit impacts to levels of insignificance. The evening non-profit benefit events are also of concern for they could produce greater traffic generation, at peak hours, days and seasons. Mitigation Measures are warranted to reduce those concerns. Caltrans is requiring the installation of a left turn lane and an encroachment permit will be required.

PUBLIC HEALTH- There are concerns for safety if parking along the access road were to block the access route for large emergency vehicles during major non-profit benefit events. Mitigation Measures are appropriate to relieve those concerns.

MITIGATION MEASURES:

- ☐ None Required
- ☒ Identified By This Study - Unadopted (see attached Draft Project Revision Statement)
- ☐ Included By Applicant As Part of Project (see attached Project Revision Statement)
- ☐ Recommended For Inclusion As Part of Public Project (see attached Recommended Mitigation Measure List)

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 Sensitivity 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 Form contained in the permanent file on this project.

AGENCY STAFF PARTICIPATING IN THE INITIAL STUDY:

Resource Evaluation:	<u>R. Nelson</u>	Date: <u>3-26-92</u>
Site Review:	<u>R. Nelson</u>	Date: <u>1-9-92</u>
Planning/Zoning Review:	<u>R. Nelson</u>	Date: <u>11-20-91</u>

PRELIMINARY DETERMINATION:

- ☐ No reasonable possibility of environmental effect has been identified, and a Negative Declaration should be prepared.
- ☒ A Negative Declaration cannot be prepared unless all identified impacts are reduced to a level of insignificance or avoided.

DATE: July 16, 1992
Revised July 24, 1992 & Aug 13, 1992

BY: R. Nelson

FINAL DETERMINATION:

On the basis of this preliminary evaluation:

- ☐ I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be approved.
- ☐ 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 the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION should therefore be approved.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT would be required:
- ☐ Mitigation measures to reduce all impacts to levels of insignificance or to avoid such impacts have been identified and may be adopted as part of the project.
 - ☐ A previously-certified Environmental Impact Report will fully address the impacts of the project, supplemented as necessary for public projects by additional mitigation recommended as part of the project.
 - ☐ A new, Subsequent or Supplemental Environmental Impact Report is appropriate for the project.

DATE: _____

BY: _____

PROJECT REVISION STATEMENT (REVISED)

Rene di Rosa

U-91-8

I hereby revise my proposal to establish an indoor and outdoor art display that would be open to the public on a controlled basis and a wildlife preserve, to include the measures specified below. The project is located on a 52.71 acre parcel on the north side of Highway 12/121 approximately 1200 ft. west of the intersection with Duhig Road within an AW (Agricultural Watershed) district. The project includes construction of two new structures totaling 15,675 sq.ft. (10,575 sq. ft. new main art display building plus 5,100 sq. ft. gatehouse and display area at the entry). Visitors will be scheduled in groups of no more than 20-25 people, Mon. - Thur. AM and PM sessions, and Sat. AM sessions only. (APN 47-080-53)

Ecosystem:

1. The bird sanctuary/wildlife preserve shall be protected by the following measures:
 - a.) No persons, other than employees and operators of the facility, shall be allowed access to the easterly shore of the lake, or the island.
 - b.) No domestic animals shall be permitted on the property.
 - c.) Boats shall not be permitted on the lake except for maintenance use by employees and operators of the facility and the use of motors is prohibited.
 - d.) Natural vegetation shall be allowed to develop and not be disturbed on the easterly shore of the lake and the island for nesting protection.
 - e.) Public gatherings shall not be allowed to intrude into or disturb the habitat area with loud noise including amplified music, fireworks, etc., nor artificial lighting (including photo flash).
 - f.) No kinetic, nor noise producing outdoor art pieces shall be located within 300 feet of the lake and bird sanctuary.
 - g.) The removal of any existing riparian vegetation along the lake and stream bank shall be limited to the absolute minimum necessary to install the expansion project involved. All areas disturbed by installation of these facilities shall be replanted prior to permit finalization and occupancy.

Aesthetics:

3. There will be no additional art objects placed or displayed between the lake and the highway to preserve the pastoral setting and to reduce the possibility of curious persons turning into the site without the necessary prior appointment. Signage at the entrance shall be limited to only the address and "di Rosa Preserve - No Entry Without Prior Appointment".

Traffic, Public Health (fire safety):

4. The following measures are necessary to reduce the traffic safety concerns:
 - a.) No vehicles larger than 25-person capacity vans shall be used to transport visitors to or from the site.
 - b.) Van pooling shall be encouraged for all visitors, including those attending special non-profit evening events.
 - c.) The facility shall be closed to the public on Fridays and Sundays from June 1 to Sept. 30, the peak traffic season.
 - d.) Non-profit special events shall be limited to 12 per year, shall be limited to 85 persons at any single event, shall only be scheduled to begin after 7 PM when the preserve is closed to visitors, and shall not be scheduled on Fridays and Sundays from June 1 to Sept. 30 (the peak traffic season).

Project Revision Statement

Rene di Rosa

Use Permit #U-91-8

e.) A left turn lane eastbound on Hwy. 121, reviewed and approved by Caltrans, shall be constructed at the driveway entrance, prior to visitor use of the facility.

f.) Parking shall be limited to two areas; one 25 space area below the dam for visitors, and the area near the existing residence with 25 additional spaces for residents, proposed employees and occasional special event parking. No parking shall be allowed along the access driveway which could block or impair emergency vehicle access.

I commit myself and, by recording this document, my successor's-in-interest to communicate the above specified requirements in writing to any future purchasers of the property prior to transfer of title.

I understand and explicitly agree that with regards to all CEQA and Permit Streamlining Act (Government Code Sections 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date an executed copy of this project revision statement is received by the Napa County Conservation, Development and Planning Department.

Rene di Rosa Aug. 13, '92
Rene di Rosa Date