

COUNTY OF NAPA
PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD ST., SUITE 210, NAPA, CA 94559
(707) 253-4416

Initial Study Checklist
(form updated September 2010)

1. **Project Title:** Theorem Winery; Use Permit P13-00019.
2. **Property Owner:** Jason & Kisha Itkin, Beshert Ventures LLC, 1401 McKinney Street, Suite 2550, Houston, Texas, 77010.
3. **Project Sponsor's Name and Address:** David Gilbreth, 1152 Hardman Ave., Napa, CA 94558 (707) 337-6412.
4. **County Contact Person, Phone Number and email:** Linda St. Claire, Planner, 299-1348, linda.stclaire@countyofnapa.org.
5. **Project Location and APN:** The 41.45 acre project site is located on the south side of Petrified Forest Road, approximately 1.6 miles west of Franz Valley Rd and the City of Calistoga, APN: 020-430-007, 255 Petrified Forest Rd, Calistoga.
6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Background/Project History:** A Small Winery Use Permit Exception was granted by the Planning Commission on January 15, 1985, to utilize a 2,208 sq. ft. structure as a winery. The historic property also included a 4,550 sq. ft. residence, a 980 sq. ft. guest house, a garage and two barns. The approved production capacity for the winery was 20,000 gallons per year. Approved hours of operation were 7:30 am to 5:30 pm, seven days a week, one full-time employee and one part-time employee. A minimum of 6 on-site parking spaces were requested, and approved. Tours and tasting and marketing were not allowed under the Small Winery Exemption. A modification to the use permit was approved in 2006 (P06-0132-UP) but had not been activated, thus expiring in 2008.

The winery was foreclosed upon in 2009 and the receivership applied for and received approval of a winery use permit (P10-00400) to include: production of 20,000 gallons per year, upgrade improvements of a crushpad, tank pad, production areas and accessory areas, increase parking to 15 spaces, four full-time and two part-time employees, by appointment tours and tastings for a maximum of 15 per day, a marketing plan with three events per year for 40 guests and one event per year with 100 guests, and widening the access driveway to 20 feet. A Mitigated Negative Declaration was prepared and approved with Use Permit P10-0400. The winery was sold to the current owners in 2012. In April, 2013 the applicant received a one year time extension to the use permit and in October 2013 they applied for and were issued approval for a Use Determination to deem the use permit "used".

9. **Project Description:**
 1. Approval of a modification to the existing winery Use Permit (P10-00400) to:
 - a) rehabilitate the historic poultry barn for winery use and stabilize the existing historic barn, both in accordance with the Secretary of the Interior's (SOI) Standards for historic structures;
 - b) restore the existing tasting room structure to SOI standards, remove it from the winery use and utilize it as a residential home study;
 - c) construct new winery structures to include: a 7,249 square foot fermentation and barrel storage building, a 713 square foot covered crush pad, a 2,670 square foot tasting room, and a 1,438 square foot storage and administrative building for an increase from the approved 11,855 square feet to a total of 23,925 square feet;
 - d) increase hours of operation from 10:00am-4:00pm to 7:00am-7:00pm seven days per week and hours of visitation from 10:00am-4:00pm to 10:00am-6:00pm seven days per week; and,
 - e) allow on-site consumption consistent with AB2004.

No changes to the production (20,000 gallons per year), visitation (a maximum of 15 visitors per day), the marketing plan (three events per year for a maximum of 40 guests at each event and one event per year for a maximum of 100 guests), employees numbers (4 full time and 2 part time), or parking (15 spaces with 2 ADA accessible) have been proposed.

10. **Environmental setting and surrounding land uses:**

The 41.45 acre project site is located on the south side of Petrified Forest Road, approximately 1.6 miles west of Franz Valley Rd and the City of Calistoga, APN: 020-430-007, 255 Petrified Forest Rd, Calistoga. The project site is currently developed with a winery, a residence, a guest house, approximately 10 acres of vineyards, agricultural buildings, and wooded areas. Elevations range from approximately 120-ft. to 200-ft. above mean sea level. Properties in the vicinity of the project site range in size from 1 to 51 acres. Surrounding uses include single-family homes, vineyards. The nearest wineries are two miles to the northeast (Envy, Prager).

Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

Discretionary approvals required by the County consist of a use permit. The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, encroachment permit, and waste disposal permits. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

Other Agencies Contacted
Federal Trade and Taxation Bureau
Department of Alcoholic Beverage Control

ENVIRONMENTAL IMPACTS AND 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 Resource 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 contained in the permanent file on this project. The environmental impacts being reviewed are limited solely to new impacts resulting from changes to the project or changes in circumstances. The previous Mitigated Negative Declaration for the winery is on file and available for review at the Planning, Building, and Environmental Services office located at 1195 Third Street, Napa, CA.

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ 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 revisions in the project have been made by or agreed to by the project proponent. A SUBSEQUENT NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Linda St. Claire, Planner
Napa County Planning, Building & Environmental Services Department

ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/c. The project site is currently developed with existing winery buildings and associated improvements. The proposed additional construction will not be visible from any road or neighboring property. The project site is not visible from a designated scenic vista. The project would not result in substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings. The proposal includes removal of six oak trees, to be replaced at a 2:1 ratio. There are no rock outcroppings onsite.
- d. The construction of winery uses may result in the installation of additional lighting that may have the potential to impact nighttime views. Although the project is in an area that has a certain amount of existing nighttime lighting, the installation of new sources of nighttime lights may affect nighttime views. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downwards, with only low level lighting allowed in parking areas. As designed, and as subject to the standard condition of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement. Prior to issuance of any building permit for construction of the winery, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with California Building Code.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. Based on a review of Napa County environmental resource mapping (*Department of Conservation Farmlands, 2008* layer), a section of the project area is located on unique farmland. The winery area, however, is located on land classified as other. The existing winery development area has proposed additional winery structures and upgrades to the driveway. Additionally, the entirety of the proposed project will either be dedicated to active wine production or winery-accessory uses. General Plan Agricultural Preservation and Land Use policies Ag/LU-2 and Ag/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. As a result, this application will not result in the conversion of special status farmland to a non-agricultural use.
- b. The existing property is not subject to a Williamson Ag contract. The property's AW (Agricultural Watershed) zoning allows wineries and related accessory uses upon grant of a use permit. The previously constructed improvements, newly proposed structures, and the driveway upgrades have not and will not result in the removal of any vineyard areas.
- c. As discussed at items "a." and "b.", above, the winery and winery accessory uses proposed in this application are defined as agricultural by the Napa County General Plan and are allowed under the parcels' AW (Agricultural Watershed) zoning. Neither this project, nor any foreseeable consequence thereof, would result in changes to the existing environment which would result in the conversion of special status farmland to a non-agricultural use.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a-c. On June 2, 2010, the Bay Area Air Quality Management District's Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act (CEQA). The thresholds were designed to establish the level at which the

District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on the Air District's website and included in the Air District's May 2011 updated CEQA Guidelines.

On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the thresholds. On August 13, 2013, the Court of Appeal reinstated the District's thresholds of significance provided in Table 3-1 (Criteria Air Pollutants & Precursors Screening Levels Sizes) and these thresholds are applicable for evaluating projects in Napa County. Furthermore, Air District's 1999 CEQA Guidelines (p.24) states that projects that do not exceed a threshold of 2,000 vehicle trips per day will not impact air quality and do not require further study.

The previously approved project includes visitation, marketing and employees numbers, which are not proposed to change with this project. The numbers were previously evaluated in the Mitigated Negative Declaration for Use Permit P10-00400. The proposed changes include construction of new winery buildings and a change to the hours of operation.

Over the long term, emission sources for the proposed project will consist primarily of mobile sources including vehicles visiting the site. The Air District's threshold of significance provided in Table 3-1 has determined that similar projects such as a quality restaurant that do not exceed a threshold of 47,000 sq. ft. will not significantly impact air quality and do not require further study (BAAQMD CEQA Guidelines, May 2011 Pages 3-2 & 3-3.). Given the size of the project is approximately 28,050 sq. ft. of enclosed floor area, including about 7,164 sq. ft. of floor area for accessory uses compared to the BAAQMD's screening criterion of 47ksf (high quality restaurant) and 541ksf (general light industry) for NO_x (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.)

The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Wineries as proposed here are not producers of air pollution in volumes substantial enough to result in an air quality plan conflict. The project site lies within the Napa Valley, which forms one of the climatologically distinct sub-regions (Napa County Sub region) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the Valley create a relatively high potential for air pollution. Over the long term, emissions resulting from the proposed project would consist primarily of mobile sources, including production-related deliveries and visitor and employee vehicles traveling to and from the winery, which again, were evaluated in the previously approved Mitigated Negative Declaration. The resulting busiest day plus marketing total is well below the threshold of significance. The proposed project would not result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

- d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adhere to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

The permittee shall comply during all construction activities with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8, May 2011 Updated CEQA Guidelines.

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Furthermore, while earthmoving and construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

- e. While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. Construction-phase pollutants will be reduced to a less than significant level by the above-noted standard condition of approval. The project will not create pollutant concentrations or objectionable odors affecting a substantial number of people.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-d. The project site is developed with a winery and vineyards. The additional winery structures and grading improvements for the existing access driveway and existing parking areas will require land disturbance within an area previously disturbed by vehicle traffic. A Mitigated Negative Declaration for this project site, approved by the Napa County Planning Commission in 2010 found that the project would have no impact upon botanical resources or habitats, based on the Napa County Environmental Resource maps (vegetation layer). Based on the Napa County Environmental Resources maps (Spotted Owl habitat – 1.5 mile buffer) the project site is still located within 1.5 miles of a Spotted Owl nest. The project site also includes wooded areas that could provide suitable habitat for special status raptors or other special status birds. The project is utilizing existing buildings, constructing additional buildings and making changes to the existing driveway and existing gravel parking lot. A previous mitigation measure was and continues to be required. Prior to any earth disturbance, a preconstruction survey for raptors (including spotted owl) must be conducted in the spring by a qualified biologist to determine the presence or absence of any raptor (including spotted owl) or special status bird nest prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Wildlife, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Wildlife. If any raptor

nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A biologist shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work would cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue. Mitigation Measure #1, below, will reduce any impacts to Spotted Owls, special-species raptors or other special-status nesting birds to a less than significant level.

e/f.. This project would not interfere with any ordinances protecting biological resources. There are no tree preservation ordinances in effect in the County. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans. Napa County does require a 2:1 replacement, as specified in the General Plan, for all Oak trees, of which there are six oak trees proposed for removal along Silverado Trail. The applicant will be required, through a project specific condition, to plant twelve replacement oak trees.

Mitigation Measure(s):

1. The previously approved mitigation measure continues to be relevant: Prior to commencement of earthmoving activities, a qualified biologist shall conduct a survey to determine the presence or absence of any raptor (including spotted owl) or special-status bird nests prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Wildlife, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Wildlife. This survey shall study an exclusionary area with biological monitoring. If any raptor nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A qualified biologist shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work shall cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c. The winery site contains two historic residences, one original (approved as a tasting room) and one used as a residence, a large historic barn and a historic poultry barn. The 2006 use permit included a historical evaluation of the site, by Roland-Nawi Associates dated June 27, 2005, and found the site to be eligible as a historically significant district due to contribution to local history and association with a person of significance. None of the structures, individually, or as a potential district, are listed on a local, State, or Federal historic register. The historian found that although some of the buildings had been adapted to new uses, this adaptation had been undertaken in a manner that has preserved the original appearance of the buildings. A study from Juliana Inman, dated March 23, 2011, found the site continued to hold historic significance for the two contributing factors listed above, and recommended standard measures to ensure continued compliance with The Secretary of the Interior's Standards.

A more current evaluation by Julianna Inman dated August 19, 2013, indicates that two of the structures onsite were, in fact, not constructed at the time of the contributing factors and that their architectural features had been altered in such a way that their potential for significance has been compromised and/or lost. Of the structures included in the original evaluation which she called out as not historically significant, specifically the garage and the addition to the original residence, used materials from the 1940s and not integral to the contribution or association to the site. Removal of the addition to the original residence has been proposed and approved as part of a demolition permit. The

applicants have proposed to restore the original residence and change its use from the currently approved tasting room to residential use once again. A second dwelling unit which also had been severely altered was included in the demo permit.

The existing residence is not part of the winery project but is being restored in accordance with the Secretary of Interior's Standards. The applicants have also proposed to restore the existing large barn and rehabilitate the poultry barn, both in accordance with the Secretary of Interior's Standards thus reducing the environmental impact to a less than significant level and maintaining the site as contributory to local history and association with a person of significance. .

No information was found to indicate archaeological resources were on the site. However, if resources are found during construction of the previously approved waste disposal system or upgrades to the road, construction would be required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval related to archaeological or paleontological resources;

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 Planning, Building and Environmental Services 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 the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he 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 nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98

- d. No information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during construction of the waste disposal system, construction would be required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval, noted above.

Mitigation Measure(s): none required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
v) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.
- i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed facility would result in a less than significant impact with regards to rupturing a known fault.
 - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the addition will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
 - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest editions of the California Building Code for seismic stability would reduce any impacts to a less than significant level.
 - iv.) The geological layers of the Napa County Environmental Resources Maps indicate the presence of a soil creep in an area north of the existing structures used for the winery, which will not be disturbed by the driveway improvements or the 120 sq ft addition, resulting in reducing this risk to a less than significant level.
- b. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the portion of the site where the winery is located is composed primarily of soils in the Aiken loam series, found on 15 to 30 percent slopes and 30-50 percent slopes. Soils in the Aiken loam series, found on 15 to 30 percent slopes, are found in the western portion of the site which is where the winery is located. This moderately steep soil is on side slopes on uplands. Included with this soil in mapping were small areas of Boomer, Felton, Forward, Kidd, and Sobrante soils, areas of soils that have stones on the surface, and areas of soils that are more than 60 inches deep to bedrock. Runoff is medium, and the hazard of erosion is moderate. Project approval will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways.
- c/d. According to the Napa County Environmental Resource Maps (Surficial Deposits layer) pre-Quaternary deposits and bedrock underlie the surficial soils on the project site. Based on the Napa County Environmental Sensitivity Maps (Liquefaction layer) the project site has a very low susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level. In addition, a soils report, prepared by a qualified Engineer will be required as part of the building permit submittal for any improvements requiring building permits. The report will address the soil stability, potential for liquefaction and will be used to design specific foundation systems and grading methods.
- e. The Napa County Division of Environmental Health has reviewed this application and recommends approval based on the submitted wastewater feasibility report and septic improvement plans. Soils on the property have been determined to be adequate to support the proposed septic improvements including the winery's process waste.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

of greenhouse gases?

Discussion:

a/b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO₂e)]. As discussed under Section III - Air Quality, these thresholds of significance are now appropriate for evaluating projects in Napa County.

During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy **CON-65(e)**. (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.)

The applicant proposes to incorporate GHG reduction methods including: utilizing reclaimed materials and sustainably harvested wood products, restoration of historic structures, composting and recycling, planting native, drought tolerant species, additional trees, recycling, carpooling incentives, bike access and parking, and may include solar panels.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO₂e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions below BAAQMD thresholds.

The increase in emissions expected as a result of the project will be relatively modest (estimated through modeling to be approximately 224 metric tons per year) and the project is in compliance with the County's efforts to reduce emissions as described above. For these reasons, project impacts related to GHG emissions are considered less than significant.

Mitigation Measure(s): None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporat ion	Less Than Significant Impact	No Impact
VII.	HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporat ion	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in demolition and construction of the buildings and subsequent winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater the 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less-than-significant impact.
- b. The project would not result in the release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile from the proposed project site.
- d. The proposed site is not on any known list of hazardous materials sites.
- e. The project site is not located within two miles of any public airport.
- f. The project site is not located within the vicinity of any private airports.
- g. The proposed project will not impair the implementation of or physically interfere with an adopted emergency response plan or evacuation plan.
- h. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. A new domestic and process wastewater system was proposed in the 2010 use permit and will be constructed in this modification. The leachfields as proposed in the 2010 use permit will continue to be used, but the residential leachfield will be shifted to the east on the site and located approximately to the north of the existing historic barn. Treated winery waste will be stored in an onsite tank and used for irrigation purposes. The Napa County Division of Environmental Health has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Additionally, the applicant will be required to obtain all necessary permits from the Napa County Division of Engineering Services, including a Stormwater Pollution Management Permit. The permit will provide for adequate on site containment of runoff during storm events through placement of siltation measures around the development area.
- b. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. The project is located in a hillside area above the valley floor in an area that has an established acceptable water use criteria of 0.5 acre foot per acre per year.

Based on the submitted phase one water availability analysis, the 41.5 acre parcel has a water availability calculation of 20.7acre feet per year (af/yr). Existing water usage on the parcel is approximately 6.81 af/yr, including 1.00 af/yr for the residential use, 0.5 af/yr for the winery, 0.25 for landscaping, and 5.00 af/yr for approximately 10 acres of established vineyards. This application proposes additional water use 0.25 af/yr for a total proposed water use of 7.06 af/yr. Based on these figures, the project would be below the established threshold for groundwater use on the parcel. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

- c.-e. There are no existing or planned stormwater systems that would be affected by this project. The project will likely disturb more than one acre of land and the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction activities. The area surrounding the project is pervious ground that is planted to vineyards and has the capacity to absorb runoff. The applicant has also proposed a small rain garden, which will also absorb additional runoff and return this water to the water table.
- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. As discussed in greater detail at, "a.," above, the Division of Environmental Health has reviewed the sanitary wastewater proposal and has found the proposed system adequate to meet the facility's septic needs as conditioned. No information has been encountered that would indicate a substantial impact to water quality.
- g.-i. According to Napa County environmental resource mapping (*Floodplain* and *Dam Levee Inundation* layers), The project site is not located within a flood hazard area, nor would it impede or redirect flood flows or expose structures or people to flooding. The project site is not located within a dam or levee failure inundation zone.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 120-ft. to 200-ft. above mean sea level and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunامي, seiche, or mudflow.

Mitigation Measure(s): None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX.	LAND USE AND PLANNING. Would the project:				
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project is located in an area dominated by agricultural and open space uses and the improvements proposed here are in support of the ongoing agricultural use of the property. This project will not divide an established community
- b. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU 1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture Watershed and Open Space), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...).

The General Plan includes two complimentary policies requiring that new wineries, "...be designed to convey their permanence and attractiveness." (General Plan Agricultural Preservation and Land Use Policy AG/LU-10 and General Plan Community Character Policy CC-2). Although this is not a new winery, the exterior alterations to the existing building proposed here are generally of a high architectural quality in that the original horizontal wood has been replaced with a multi-colored stone cladding, conveying the required permanence and improving the buildings overall attractiveness.

- c. There are no habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (*Mines and Mineral Deposits*, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on or near the project site.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The proposed project will result in a temporary increase in noise levels during the project construction phase. Construction activities will be limited to daylight hours using properly muffled vehicles; noise generated during this time is not anticipated to be significant. The proposed

project would not result in long-term significant construction noise impacts. Construction activities would generally occur during the period between 7 am and 7 pm on weekdays- normal waking hours. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (N.C.C. Chapter 8.16).

c/d. Noise from winery operations is generally limited; however, the approved number of events and potential noise sources have been evaluated previously in the Mitigated Negative Declaration. The Napa County Exterior Noise Ordinance, which was adopted in 1984, sets the maximum permissible received sound level for a rural residence as 45 db between the hours of 10 p.m. and 7 a.m. While the 45 db limitation is strict (45 db is roughly equivalent to the sound generated by a quiet conversation), the area surrounding the subject property is very lightly developed, with only a scattering of homes on large lots located in the immediate vicinity. Continuing enforcement of Napa County's Exterior Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against outdoor amplified music, should ensure that marketing events and other winery activities do not create a significant noise impact.

e/f. The project site is not located within an airport land use plan nor is it within two miles of a public airport or private airstrip.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. The changes to population and housing were evaluated in the earlier Mitigated Negative Declaration and found to have no impact. The Association of Bay Area Governments' *Projections 2003* figures indicate that the total population of Napa County is projected to increase some 23% by the year 2030 (*Napa County Baseline Data Report*, November 30, 2005). Additionally, the County's *Baseline Data Report* indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15%.

b/c. The existing residential floor area next to the winery will continue as residential. This application will not displace a substantial volume of existing housing or a substantial number of people and will not necessitate the construction of replacement housing elsewhere.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Public services are currently provided to the project area, and as the winery is or has been in full operation, the additional demand placed on existing services would be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshal conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire Department and Engineering Services Division have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION. Would the project:				
a) a.increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. This application proposes construction of new winery buildings and a change to the hours of operation. No portion of this project, nor any foreseeable result thereof, would significantly increase the use of existing recreational facilities. This project does not include recreational facilities that would have a significant adverse effect on the environment.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b. The site is located on Petrified Forest Road, approximately 1.6 mile west of Franz Valley Road. The current proposal includes construction of new winery structures, restoration of historic structures, increases in the hours of operation from 10:00am-4:00pm to 7:00am-7:00pm seven days per week and hours of visitation from 10:00am-4:00pm to 10:00am-6:00pm seven days per week; and, allow on-site consumption consistent with AB2004. No changes have been proposed to the number of visitors and number of employees who will travel to and from the winery.

The previous Mitigated Negative Declaration analyzes the impacts on traffic to include cumulative changes. This project does not propose any additional daily trips, employees or visitors.

c. This proposed project would not result in any change to air traffic patterns.

d.-e. Primary access to and from the winery is from Petrified Forest Road via Foothill Road. Access to the site is proposed to remain at the existing driveway entrance off Petrified Forest Road. The driveway was approved with the original use permit for the winery; however, portions of the existing driveway do not meet the minimum required width of 20-feet with the narrowest portion being about 17-feet wide. In addition, the driveways intersection with Petrified Forest Road, while more than 20-feet wide, does not meet standards regarding turning radius, slope, and vertical curve. The Engineering Services Division and the Fire Marshal reviewed the 2010 proposal for widening the road and this was approved. The current applicant has made some minor changes to the widening, which again was reviewed by the Engineering Division and the Fire Marshall, who both recommend approval of the changes.

f. There is currently parking for 8 vehicles provided on site (15 approved). The project does not propose additional parking and the proposed changes to the original project do not require additional parking.

g. There is no aspect of this proposed project that would conflict with any adopted policies, plans or programs supporting alternative transportation.

Mitigation Measure(s): none required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI.	UTILITIES AND SERVICE SYSTEMS. Would the project:				
	a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board and will not result in a significant impact on the environment relative to wastewater discharge. Wastewater disposal will be accommodated on-site and in compliance with State and County regulations. The project will not require construction of any new water or wastewater treatment facilities that will result in a significant impact to the environment. Wastewater disposal will be accommodated on-site in compliance with State and County regulations.
- c. The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, which will cause a significant impact to the environment.
- d. The project has sufficient water supplies to serve existing and projected needs. No new or expanded entitlements are needed.
- e. Wastewater will be treated on-site and will not require a wastewater treatment provider.
- f. The project will be served by a landfill with sufficient capacity to meet the projects demands. No significant impact will occur from the disposal of solid waste generated by the project.
- g. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The site has been previously developed with a winery and vineyards. The project would have a less than significant impact on wildlife resources. As analyzed in the earlier Mitigated Neg Dec, sensitive resources or biologic areas affected by this project have been mitigated to a less than significant level. Also as analyzed above, the project would not result in a significant loss of native trees (six oak trees are proposed for removal and will be replaced at a 2:1 ratio), native vegetation, or important examples of California's history or pre-history.
- b. As discussed above and in particular under Transportation/Traffic, the proposed project does not have impacts that are individually limited, but cumulatively considerable. All traffic impacts were analyzed in the previous Mitigated Negative Declaration.
- c. As mitigated in the previous negative declaration, there are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No hazardous conditions resulting from this project have been identified. The project would not have any environmental effects that would result in significant impacts.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. SUBSEQUENT EIR OR NEGATIVE DECLARATION					
a)	Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to a substantial increase in the severity of previously identified significant effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to a substantial increase in the severity of previously identified significant effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- e) Has new information of substantial importance been identified, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted which shows any of the following:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents have declined to adopt the mitigation measure or alternative. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents have declined to adopt the mitigation measure or alternative. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a-e. The changes to the proposed project since adoption of the previous Mitigated Negative Declaration (MND) consists of constructing winery buildings and associated improvements in existing clear or previously disturbed areas of the site and improvements to the existing access road. Neither the proposed winery development nor the circumstances under which the proposed winery is being undertaken would require major revisions to the previous MND. No new significant environmental effects have been identified nor has there been an increase in the severity of previously identified effects. No new information has been identified that would result in new significant impacts not previously analyzed. Previous mitigation measures adopted by the County with its approval will be carried forward and will be incorporated into this project.

PROJECT REVISION STATEMENT

Theorem Winery, Use Permit (#P13-00019)

255 Petrified Forest Road, Calistoga, CA; APN# 020-430-007

County of Napa

Environmental Review

I hereby revise my request to include the measures specified below:


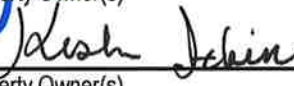
Section IV. Biological Resources:

Mitigation Measures/Method of Monitoring:

1. Prior to commencement of earthmoving activities, a qualified biologist shall conduct a survey to determine the presence or absence of any raptor (including spotted owl) or special-status bird nests prior to any permits or tree removal on the site. If present, adequate setbacks shall be per the Department of Fish and Wildlife, until the nestlings have fledged as determined by a qualified biologist, per study methods established by Fish and Wildlife. This survey shall study an exclusionary area with biological monitoring. If any raptor nests or foraging habitat are found, then a buffer zone based on the species and the behavior shall be established. A qualified biologist shall monitor the activities of the nesting birds. If the birds show signs of distress or change in behavior, then work would cease. The buffer/exclusionary areas may be increased after a period of inactivity to allow the birds to resume normal behavior. If the birds show no change in behavior, the work may continue.

Method of Monitoring: This Mitigation Measure requires submission of a pre-construction raptor/owl survey prior to commencing construction. **RESPONSIBLE AGENCY(IES)** – Planning, Building, and Environmental Services Department.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

	Jason Itkin	Owner	11/12/13
Signature of Property Owner(s)	Print Name	Interest	Date
	Kisha Itkin	Owner	11/12/13
Signature of Property Owner(s)	Print Name	Interest	Date

MITIGATION MONITORING AND REPORTING PROGRAM

Theorem Winery

Use Permit Major Modification # P13-00019-MOD


255 Petrified Forest Road, Calistoga, CA 94515

APN: 020-430-007

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
List Initial Study Section (e.g., Aesthetics)			
Biological Resources, Section IV (a):			
<p>1. Any tree or shrub removal for the proposed gateway operations expansion area shall occur outside of the avian nesting season. If removal of trees or shrubs occur, or construction begins between February 1 and August 31 [nesting season for passerine (perching) or non-passerine land birds], a nesting bird survey shall be performed by a qualified biologist within one week prior to removal or disturbance of potential nesting habitat such as trees and shrubs. During this survey, a qualified biologist shall inspect all potential nesting habitat in and immediately adjacent to the impact areas for the nests; and</p> <p>2. If a nest is not found, mitigation is not required. If a nest is found on-site, then all vegetation with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be determined by the project biologist in consultation with California Department of Fish & Game (CDFG), shall be submitted to the County for review and will depend on the species involved, site conditions and type of work to be conducted in the area. Typically, if active nests are found, construction activities shall not take place within 500 feet of the owl nests and within 55-100 feet of other migratory birds until the young have fledged. A qualified biologist shall</p>	Napa County PBES Planning, Building, & Environmental Services	Prior to issuance of Building Permits and during construction activity.	Biological Section IV (a): Resources,

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity.			

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.



Signature of Owner(s) / Authorized Agent

Visha Ithkin

Print Name

Owner

Interest}



Signature of Owner(s) / Authorized Agent

Kisha Ithkin

Print Name

Owner

Interest}