



A Tradition of Stewardship
A Commitment to Service

Planning, Building, and Environmental Services

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

Main: (707) 253-4417
Fax: (707) 253-4336

Peter Parkinson
Acting Director

To:	Planning Commission	From:	Kirsty Gerosa
Date:	January 3, 2014	Re:	Addendum to the Negative Declaration adopted as part of the previous Use Permit Modification No. P10-00384 for the Domaine Carneros Winery Use Permit Major Modification Application No. P13-00258

Project Title

Domaine Carneros – Use Permit Modification (P13-00258)

County Contact Person, Phone Number, and Email

Kirsty Gerosa, 707.299.1377, Kirsty.Gerosa@countyofnapa.org

Project Location and APN

The proposed project is located on a 138.46 acre site at the intersection of State Highway 121 and Duhig Road. APN: 047-070-007, 1240 Duhig Road, Napa.

Project Sponsor's Name and contact information

David Gilbreth, (707) 337-6412, dbgilbreth@gmail.com

Introduction

The Planning Commission approved a Major Modification# P10-00384 to the Use Permit for the Domaine Carneros Winery on March 7, 2012. The modification approved no additional square footage, production, or increase in employees and allowed approximately 2,400 square feet of interior modifications to change the building use from barrel storage to marketing space and food and wine pairing and on site bottle consumption and retail sales pursuant to AB2004.

However, the CEQA document/Negative Declaration also analyzed the following components:

- (a) Reconfiguration of the existing parking lot to accommodate an additional 43 spaces and the construction of 23 additional spaces to yield a total of 144 parking spaces;
- (b) Revision of the existing marketing plan (U-91-11, two annual events of up to 300 people) to allow for six additional events per month with up to 50 guests and four additional events per month with up to 25 guests;
- (c) Additional visitation by prior appointment of 100 people per day on the weekday and 600 visitors on the weekend for a total of 400 Monday thru Friday (100 by appointment and 300 public) and 900 Saturday and Sunday (600 by appointment and 300 public);

The Negative Declaration was adopted and concluded that the proposed project would not have a significant impact on the environment.

Statutory Background

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is appropriate if minor technical changes or modifications to the proposed project occur (CEQA Guidelines §15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines §15164[c]); however, an addendum is to be considered by the decision making body along with the previously-adopted environmental document prior to making a decision on the project (CEQA Guidelines §15164[d]).

This Addendum demonstrates that the environmental analysis and impacts identified in the prior Negative Declaration remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previously adopted Negative Declaration.

Applicable Reports in Circulation

This is an addendum to the Domaine Carneros Negative Declaration adopted by the Planning Commission on March 7, 2012. A copy of said document is available for review at the offices of the Napa County Planning, Building, Environmental Services Department, 1195 Third Street, Suite 210, Napa, Calif.

Project Description

The applicant is now requesting approval to modify the Domaine Carneros Use Permit to allow: (a) Reconfiguration of the existing parking lot to accommodate an additional 43 spaces and the construction of 23 additional spaces to yield a total of 144 parking spaces; (b) Revision of the existing marketing plan (U-91-11, two annual events of up to 300 people) to allow for two additional events per month with up to 50 guests and eight additional events per month with up to 25 guests; and (c) Additional by-appointment only visitation of 100 people per day on weekdays and 600 visitors per day on the weekends for a total of 460 people Monday-Friday and 960 people Saturday and Sunday. No additional square footage, production, or increases in employees are included in this proposal.

Minor Technical Changes or Additions to Domaine Carneros Negative Declaration (ND)

As summarized below, the prior Negative Declaration adequately analyzed the impacts related to this current proposal:

Air Quality - 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. 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 significant 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 adopted Negative Declaration project analyzed the increased to the visitation and marketing which are proposed with this project. The numbers were previously evaluated in the Negative Declaration for Use Permit P10-00384.

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 9,100sq. ft. of floor area for accessory uses and 62,326 sq.ft 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 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.

Greenhouse Gas Emissions - Overall increases in 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 is currently serving as the basis for development of a refined inventory and emission reduction plan for unincorporated 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)**. The existing building was constructed last year and incorporated GHG reduction methods where feasible including: compliance with CalGreen building standards, energy efficient construction techniques and heating and cooling systems, water efficient irrigation, recycled-water irrigation with zero potable water use; drought tolerant and local plant materials, bicycle parking, and the use of recycled and low VOC construction materials.

The County's Draft Climate Action Plan would require discretionary projects to reduce their GHG emissions through the application of a combination of State, local, and project-specific programs and policies. Because the

Draft Climate Action Plan has not yet been formally adopted, it cannot be considered a formal threshold of significance for CEQA purposes. GHG Emission reductions from local programs and project level actions, such as application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including evaluating the installation of the 174,590 Kilowatts of solar energy could combine to reduce emissions to offset emissions from the projected increase in vehicle trips.

Hydrology and Water Quality- 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 the valley floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year.

Based on the submitted phase one water availability analysis, the 138.46 acre parcel has a water availability calculation of 138 acre feet per year (af/yr). Existing water usage on the parcel is approximately 32.5 af/yr, including 0.50 af/yr for the residential use, 9.29 af/yr for the winery, 9.29 for the landscaping, and 20.2 af/yr for the established vineyards. This application proposes no additional water use because this application acknowledges the level of existing visitation, even though it is above the use permit. However, if additional water use is utilized, the parcel is well below, by 105 acre feet the parcel threshold. 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.

Noise - Noise from winery operations is generally limited; however, the approved number of events and additional visitation and potential noise sources have been evaluated previously in the 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.

Transportation/Traffic – The site is located at the southwest corner of Duhig Road and State Route (SR) 12-121. Access to the site is taken via three driveways on Duhig Road. The majority of traffic will access the site via SR 12-121, a major east-west regional route.

Traffic counts were most recently completed on SR 12-121 by the California Department of Transportation (Caltrans Traffic Data Branch). Measurements were taken east and west of the intersection with Duhig Road, and they indicate that the road sees an existing daily average traffic volumes of 24, 800 west of Duhig Road and 31,000 east of Duhig Road and existing trip generations of 406 weekday trips. As analyzed the use permit modification proposed here includes 100 additional visitors per day on the weekday and 600 additional visitors on the weekend and 900 total new guests per year in twelve separate marketing events; meaning that the project should account for an additional added traffic volume of 39 daily trips west of Duhig Road and 38 daily trips east of Duhig Road, for a total of 483 maximum daily trips on an average harvest-season day (this assumes 1.05 occupants per employee car and 3.2 daily trips per employee and 2.6 occupants per visitor car- all per *Napa County Winery Traffic Generation Characteristics*). Staffing, marketing event, and operations hours will be conditioned to avoid peak travel times and 77 additional daily trips represent less than a 1% increase in the existing traffic loading on SR 12-121. This project will not result in a significant increase in traffic or a decrease in the existing roadway level of service either individually or cumulatively. There will be no impact to existing transit services or pedestrian/bicycle facilities

SUMMARY AND FINDINGS

Review of the project has concluded that the project will not result in new impacts beyond those analyzed in the Domaine Carneros Negative Declaration (2012). None of the conditions described in §15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred, and thus an Addendum to the 2012 Domaine Carneros Negative Declaration is appropriate to satisfy CEQA requirements for the proposed project.

The following findings are provided in accordance with CEQA §15164 (e) concerning the decision not to prepare a subsequent Negative Declaration pursuant to §15162.

(1) None of the following conditions calling for preparation of a subsequent Negative Declaration have occurred:

(a) Subsequent changes are proposed in a project which will require important revisions of the previous Negative Declaration...due to the involvement of new significant environmental impacts not considered in a previous Negative Declaration...on the project;

(b) Substantial changes occur with respect to the circumstances under which the project is undertaken...which will require important revisions in the previous Negative Declaration due to the involvement of new significant environmental impacts not covered in a previous Negative Declaration...,or,

(c) New information of substantial importance to the project becomes available and (a) the information was not known and could not have been known at the time the previous Negative Declaration was certified as complete...and (b) the new information shows any of the following:

- The project will have one or more significant effects not discussed previously in the Negative Declaration;
- Significant effects previously examined will be substantially more severe than shown in the Negative Declaration;
- 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; or
- Mitigation measures or alternatives which were not previously considered in the Negative Declaration would substantially lessen one or more significant effects on the environment.

(2) Only minor technical changes or additions are necessary to make the Negative Declaration under consideration adequate under CEQA; and,

(3) The changes to the Negative Declaration made by the addendum do not raise important new issues about the significant effects on the environment.