RESOLUTION NO. 2014-\_\_\_

A RESOLUTION OF THE NAPA COUNTY PLANNING COMMISSION, STATE OF CALIFORNIA, for the HALL WINERY - DISTILLERY BUILDING DEMOLITION (1) Adopting findings AND a Statement of Overriding considerations including rejecting the No Project Alternative, THE Relocation of the distillery Building Alternative, and the environmentally superior alternative pursuant to the California environmental quality act; (2) adopting a mitigation monitoring program; and (3) ADOPTING THE MINIMAL PARTIAL RESTORATION ALTERNATIVE AND approving use permit modification no. p13-00233-mod

**FINDINGS FOR APPROVAL OF HALL WINERY-DISTILLERY BUILDING DEMOLITION USE PERMIT modification**

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WHEREAS, on July 12, 2013, Mike Reynolds, on behalf of Hall St. Helena Winery LLC and Hall Highway 29 Winery LLC (“Applicant”), applied to the Napa County Planning, Building and Environmental Services Department (the “PBES Department”) for a use permit modification to allow demolition of the existing 1,752 square foot Distillery Building located in the approximate center of the Hall Winery complex (Use Permit Modification No. P13-00233-MOD) (“the Project”) on approximately 33.2 acres of land (the “Property”). Other uses on the Property include wine production and storage, administrative offices, a tasting room and vineyards. The Hall Winery is located on the west side of State Route 29 between Lewelling Lane and Inglewood Avenue within the unincorporated portion of Napa County, 401 St. Helena Highway South, St. Helena, California 94574, APN’s 027-120-061 & 062 (SFAP), zoned Agricultural Preserve (AP);

WHEREAS, the Project as proposed would consist of demolition of the Distillery Building which was constructed in 1936 and used for making distilled wine products. The Applicant also proposes to landscape the area of the building footprint and include a historic marker and a bench incorporating materials from the Distillery Building as a 3-4 foot high wall behind the bench as a memorial of its historical significance;

WHEREAS, in accordance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. (“CEQA”), the PBES Department determined it was necessary to prepare, and the PBES Department caused to be prepared, an environmental impact report (“EIR”) regarding the Project due to loss of a historic resource;

WHEREAS, on June 17, 2014, Notice of Availability of the Draft EIR was provided to appropriate agencies and the general public via a Notice of Completion sent to the State Clearinghouse and via a public notice published in the Napa Valley Register, a local newspaper of general circulation;

WHEREAS, on June 18, 2014, the Draft EIR (or “DEIR”) for the Project was circulated for public review and comment between June 19, 2014 to August 4, 2014;

WHEREAS, in accordance with CEQA, all comments received on the Draft EIR during the comment period were responded to and included in the Final EIR. The Final EIR includes the Draft EIR and comments and responses to comments on the Draft EIR;

WHEREAS, on July 16, 2014, at a duly noticed public hearing, the Napa County Planning Commission (“the Planning Commission” or “the Commission”) heard and considered both oral and documentary evidence regarding Draft EIR for the Project, including evidence presented by the PBES Department and others;

WHEREAS, the PBES Department caused to be prepared a Final EIR comprising comments received on the Draft EIR, the responses to comments and minor text revisions to the EIR (the “Final EIR”);

 WHEREAS, on August 22, 2014, in accordance with CEQA, the Final EIR was mailed to all commenting State and local agencies, organizations and individuals at least ten days prior to the Planning Commission’s certification of the EIR and action on the Project;

 WHEREAS, on September 3, 2014, the Planning Commission held a public hearing on the Project and adopted a resolution certifying that the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County’s Local Procedures for Implementing CEQA. The Planning Commission also considered adoption of this Resolution (1) Adopting Findings and a Statement of Overriding Considerations including Rejecting the No Project Alternative, the Relocation of the Distillery Building Alternative, the Minimal or Partial Restoration Alternative and the Environmentally Superior Alternative pursuant to the California Environmental Quality Act; (2) Adopting a Mitigation Monitoring Program; and (3) Approving the Use Permit Modification No. P13-00233-Mod for the Hall Winery - Distillery Building Demolition;

 WHEREAS, the Planning Commission now desires to adopt this Resolution reflecting the above described actions;

 **NOW, THEREFORE, BE IT RESOLVED as follows:**

# SECTION 1. Recitals.

The Planning Commission hereby finds that the foregoing recitals are true and correct.

# SECTION 2. Purpose of the Findings.

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with adoption of the Project. These Findings provide the written analysis and conclusions of the Planning Commission regarding the Hall Winery-Distillery Building Demolition Project (Use Permit Modification No. P13-00233-Mod). They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these Findings refer to materials in the administrative record, which are readily available for review in the PBES Department.

# SECTION 3. Project Objectives.

As described in the Draft EIR, the following is the Applicant’s objective:

1) Amend Use Permit Modification P05-0140 to authorize demolition of the Distillery Building in light of information concerning its value as an historic resource.

As described in the Draft EIR, the following are the County’s objectives:

1) Identify and preserve Napa County’s irreplaceable cultural and historic resources for present and future generations to appreciate and enjoy.

2) Encourage the reuse of historic buildings by providing incentives for their rehabilitation and reuse. (See DEIR page 10)

# SECTION 4. Findings are Determinative.

 The Planning Commission recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the Planning Commission must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the Commission ratifies the Final EIR and resolves that these Findings shall control and are determinative of the significant impact of the Project.

# SECTION 5. Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation.

The Planning Commission has reviewed and considered the information in the Draft EIR and the Final EIR, addressing environmental effects, mitigation measures, and alternatives. The Commission, relying on the facts and analysis in the DEIR, and FEIR, which were presented to the Commission and reviewed and considered prior to any approvals, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

The following impacts from implementation of the proposed Project are less than significant: aesthetics; agricultural and forestry resources; air quality; biological resources; geology and soils; greenhouse gas emissions; hydrology and water quality; land use; mineral resources; noise; population and housing; public services; transportation and traffic; and utilities and service systems. (DEIR, pages 18-20.)

# SECTION 6. Findings Associated With Impacts and Mitigation Measures.

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The DEIR and FEIR recommend adoption of two mitigation measures for the Project. The Commission finds that both of the recommended measures are hereby adopted and incorporated into the Project.

## A. Hazards and Hazardous Materials

*Impact 3.2-1 (Hazardous Materials):* The FEIR determined that Demolition of the historic Distillery Building could release potentially hazardous lead based paints and asbestos containing material into the environment.

*Mitigation Measure 3.2-1:* Prior to demolition of the Distillery Building, the Applicant shall prepare and submit a Phase I Environmental Site Assessment report to the PBES Department to determine the presence or absence of hazardous material within the building. If no such materials are found, no further action is required.

If the Phase I report identifies the possible presence of building material contamination, a work plan for remediation shall be prepared by a qualified environmental consulting firm to safely remove and dispose of contaminated material. Necessary permits and approvals shall be obtained from the PBES Department or other agency with appropriate jurisdiction. The work plan shall contain a worker health safety component. A demolition permit shall not be issued until necessary clearances are obtained for the site from appropriate environmental regulatory agencies.

*Finding:* Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Commission hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

*Rationale:* Based on the DEIR, FEIR and the administrative record, this potential hazards and hazardous materials impact is mitigated by incorporation of Mitigation Measure 3.2-1 found on pages 32-33 of the DEIR into the conditions of approval for the Project. The preparation and submittal of a Phase 1 Environmental Site Assessment would reduce this impact to less than significant level.

# SECTION 7. Significant Unavoidable Impacts.

 The Planning Commission finds that the Final EIR identifies one significant environmental effect on cultural resources that has not been avoided or substantially lessened. The Planning Commission further finds that while all identified feasible changes or alterations have been required in, or incorporated into, the Project that the significant impact remains either because:

* Specific economic, legal, social, technological or other considerations make infeasible some of the mitigation measures or Project alternatives identified in the Final EIR and more fully set forth in Section 8 (Alternatives) and Section 9 (Statement of Overriding Considerations) below, or
* Because the EIR finds that no mitigation is available to reduce these impacts to an insignificant level.

The following unavoidable significant effect on the environment has been identified:

## A. Cultural/Historic Resources

*1) Impact 3.1-1 (Historical Resources):* The FEIR determined that approval of a use permit modification and demolition permit to demolish the historic Distillery Building would result in a significant impact.

Mitigation Measure 3.1-1: Prior to demolition of the Distillery Building, the Applicant shall:

1. Retain a qualified architectural historian, as approved by the Napa County Planning, Building & Environmental Services Director (Director), to prepare a “Historic Documentation Report” for the Distillery Building. The Report shall include appropriate current and historic photographs of the building, scale drawings and a brief text description of the building. The photo-documentation shall be done in according to Historic American Building Survey/Historic Engineering Record (HABS/HAER) guidelines. The final Report shall be deposited with the Napa County Planning, Building & Environmental Services Department, the Napa County Historical Society, the Northwest Information Center, the State Office of Historic Preservation, local libraries and other appropriate organizations and agencies as identified by the Director.
2. Place and maintain a publically accessible space for a memorial plaque on or near the Distillery Building site identifying the former location of the building, its function and historic significance and a bench incorporating materials from the Distillery Building as a 3-4 foot high wall behind the bench.

*Findings:* Even with adherence to the above mitigation measure, the measure would not fully mitigate the loss of the structure and demolition of the Distillery Building, which is eligible for listing in the National Register under Criterion A, would be a significant and unavoidable impact.

# SECTION 8. Project Alternatives.

## A. Legal Requirements.

Section 15126.6 (f) of the CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the DEIR and FEIR, the Relocation Alternative (Alternative No. 2) would be expected to avoid the significant and unavoidable loss of the cultural resource. The Leave the Distillery Building “As-Is” Alternative (Alternative No. 3) and the Minimal or Partial Restoration Alternative (Alternative No. 4) would be expected to result in significant and unavoidable impacts to cultural resources and similar hazardous materials impact from the Project. The alternatives were designed to avoid or reduce these significant unavoidable impacts. The Planning Commission has reviewed the significant impact associated with the reasonable range of alternatives as compared to the Project, and in evaluating the alternatives has also considered each alternative’s feasibility, taking into account a range of economic, environmental, social, legal and other factors. In evaluating the alternatives, the Commission has also considered the important factors listed in the Statement of Overriding Considerations in Section 9 below.

Public Resources Code section 21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

## B. Range of Alternatives.

 Section 5.0 of the DEIR describes the alternatives considered and compares their impacts to the Project. The DEIR evaluated four alternatives: The No Project Alternative; Alternative Relocate Distillery Building (Alternative No. 2); Leave the Distillery Building “As-Is” Distillery (Alternative No. 3); and the Minimal or Partial Restoration Alternative (Alternative No. 4). (DEIR, pgs. 36-39)

### **1) The No Project Alternative**:

CEQA Guidelines Section 15126.6 (e)(1) states that a “no project” alternative shall be analyzed. The purpose of describing a “no project” alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. The “no project” alternative analysis is not the baseline for determining whether the environmental impacts of a proposed project may be significant, unless the analysis is identical to the environmental setting analysis, which does establish that baseline. Under this Alternative, the Distillery Building would be renovated and restored in a manner consistent with the Secretary of Interior Standards, in accordance with Use Permit Modification P05-0140-MOD, which requires rehabilitation and reuse of the Distillery Building.

**Findings:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Planning Commission finds that the No Project Alternative is less desirable than the Project and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

a) While the No Project Alternative would avoid the significant and unavoidable environmental impact identified for the Project and meet the County’s objective, this alternative would not meet the Applicant’s objectives.

b) According to information in the record provided by the Applicant, the original cost in 2007 to rehabilitate the Distillery Building (without extensive interior finishes) was estimated at $818,147 or $467 per square foot. An updated estimate was provided which demonstrates that construction costs have escalated by 11% since the 2007 estimate and the current estimated cost of rehabilitation is $908,143 or $518 per square foot making it cost prohibitive for the Applicant to do. (See letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

**Reference:** The DEIR pages 36 through 37 provided an analysis of the environmental effects of the No Project Alternative as compared to the Project.

### **2) Relocate Distillery Building Alternative (Alternative No. 2)**:

 Under this Alternative, the existing Distillery Building would be made available for relocation off-site. A specific site was not identified for purposes of this Alternative.

**Findings:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Planning Commission finds that the Relocate the Distillery Building Alternative is less desirable than the Project and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

a) According to information in the record provided by the Applicant, the unreinforced masonry building would have to disassembled, block-by-block, and relocated and reassembled in another location and it is likely the Distillery Building may not survive the relocation. (See Letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

b) Relocation of the Distillery Building would still require that the building be retrofitted and rehabilitated which would be at a cost of up to $908,143 in addition to the relocation costs making it economically infeasible. (See Letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

c) It is unknown whether a suitable site exists to accommodate relocation of the Distillery Building. (See letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

d) During the comment period on the DEIR, the County did not receive any comments from the public or interested parties expressing a desire or interest in relocating the Distillery Building.

e) Relocation of the Distillery Building will reflect little of its historic character. (See letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

**Reference:** The DEIR page 37 provided an analysis of the environmental effects of this Alternative as compared to the Project.

### **3) Leave the Distillery Building “As-Is” Alternative (Alternative No. 3)**:

 Under this Alternative, the existing Distillery Building would remain in its current condition. It would not be renovated or restored for reuse.

**Findings:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Planning Commission finds that the Leave the Distillery Building “As Is” Alternative is less desirable than the Project and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

a) This Alternative would avoid the significant and unavoidable environmental impact identified for the Project, but would not meet the Applicant’s Project objective.

b) According to information in the record provided by the Applicant, because the Distillery Building is unreinforced, there is little to brace the structure from collapse during earthquakes or wind loading. (See Letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

c) Leaving the Distillery Building “As Is” creates safety risks and would result in continued decay over time rendering an unsafe and potentially hazardous condition on the Property. (See Letter from Mike Reynolds to Sean Trippi dated July 31, 2014.)

**Reference:** The DEIR page 38 provided an analysis of the environmental effects of this Alternative as compared to the Project.

### **4) Environmentally Superior Alternative (Alternative No. 4)**:

 Section 15126 (d) (4) of the State of California CEQA Guidelines states that if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The No Project alternative would result in fewer and less intensive environmental impacts than the proposed project and all other alternatives that propose an action, since the Distillery Building would be fully restored. The historic building would not be demolished and there would be no release of potentially hazardous material into the environment.

The No Project alternative would also result in fewer impacts to cultural resources, since the Distillery Building would be reconstructed in an appropriate manner. However, restoring the Distillery Building in a cost effective economically feasible manner, due to the type of building construction (unreinforced masonry), and the costs to reconstruct the building to the Secretary of Interior Standards may be prohibitive and may not meet all the Applicant’s Project Objectives. Therefore, the Minimal or Partial Restoration Alternative would be the next most Environmentally Superior Alternative since part of the existing Distillery Building would be retained and its historic significance would be documented and memorialized on site.

# SECTION 9. Statement of Overriding Considerations.

In approving the Project, the Commission makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Commission has considered the information contained in the FEIR (the Draft EIR, Comments on the Draft EIR, Response to Comments on the Draft EIR), and all other public comments, responses to comments, and accompanying staff reports included in the public record.

The Commission has carefully balanced the benefits of the proposed Project against the adverse impact identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of the impact that is identified in the FEIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the Commission, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that the significant effect on the environment found to be unavoidable in Section 7 above, is acceptable due to overriding considerations described herein. Specifically, the benefits of demolition of the Distillery Building outweigh the unmitigated adverse impact and the Project should be approved.

Based on the objectives identified in the DEIR and FEIR, and through public participation, the Commission has determined that the proposed Project should be approved, and any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the County would derive the following benefits from approval of the Project:

A) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

B) The DEIR describes that Bruce Judd found that the Distillery Building would still meet National Register Criterion A (association with events that have made a significant contribution to the broad pattern of history or culture), as the Distillery building played a role in wine production in Napa Valley post-Prohibition.  According to the DEIR, the removal of the Distillery Building would create a significant and unavoidable impact under Criterion A.  With the mitigation measures, including documentation of the Building and the development of a publically accessible Memorial and bench in the location of the Building will actually enhance the awareness and appreciation of the history of winemaking at the Hall Winery location. The area is proposed to be landscaped which should improve the aesthetics of the former distillery location and well as the Memorial area for visitors to the winery.

C) As described in the Draft EIR, the Bruce Judd report notes the Distillery as it exists today is “greatly deteriorated”, …“in poor condition” and “little remains to convey the historic character or integrity of the building.”   Further, structural engineer Derrick Roorda found that due to the unreinforced masonry block construction of the building, even if the building is retrofitted the “ structure may still sustain some damage in a large earthquake”.  Mr. Roorda notes in his July 29, 2014 letter that “(t)he current California Building Code prohibits the construction of new UMB structures.”   As a result, the current condition of the Building (unreinforced and deteriorated) is a safety hazard which cannot be fully addressed even with a substantial rehabilitation effort.

D) Leaving the building ‘as is’ or rehabilitating the building will continue to pose a safety hazard for occupants and visitors to the Property. Demolition will remove this risk to public health and safety on the Property.

# SECTION 10. Findings for Approval of Use Permit (Napa County Code Chapter 18.124).

 Pursuant to Napa County Code section 18.124.070, the Commission must make the following five findings before issuing a use permit modification

A) Section 18.124.070 (A): “The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.”

*Analysis:*  The requested use permit modification involves demolishing the former Distillery Building located within the Hall winery complex. Although currently vacant, since it’s decommissioning as a distillery, the building has served primarily as an office building. Office uses are considered accessory to wine production uses.  The project site is located within the AP (Agricultural Preserve) zoning district. A winery (as defined in Napa County Code §18.08.640) and accessory uses in connection with a winery (see Napa County Code § 18.16.030) are permitted in an AP‐zoned district subject to use permit approval. The Commission has the power to grant use permits for new wineries and to modify existing wineries whether to add new buildings or alter operations as well as removing buildings. Overall, the project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

B) Section 18.124.070 (B): “The procedural requirements set forth in this chapter [18.124] have been met.”

*Analysis:* The Applicant applied in writing for the use permit modification and provided detailed information regarding the Project on the appropriate forms provided by the County. The procedural requirements of Section 18.124.020 require a completed form accompanied by plans, elevations, graphics and other information necessary to show the detailed of the proposal. As described elsewhere in these findings, the use permit modification application has been filed and noticing and public hearing requirements have been met. The hearing notice was posted on August 22, 2014, and copies of the notice were forwarded to property owners within 300 feet of the Property.

C) Section 18.124.070 (C): “The grant of the use permit, as conditioned, will not adversely affect the public health, safety and welfare of the county.”

*Analysis:* Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, and fire protection. Conditions are recommended which will incorporate these comments into the Project to assure the ongoing protection of public health and safety. The Commission finds that in order to protect the public health, safety and welfare, it must impose detailed conditions of approval on the Project as described throughout the findings. (Those conditions of approval are attached as Exhibit “A.”) For these reasons and others presented in these Findings, the Commission finds the Project, as conditioned, will not adversely affect public health, safety and welfare.

 D) 18.124.070 (D): “That the proposed use complies with applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan.”

 *Analysis:* The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. The Project consists of demolishing the former Distillery Building which is currently vacant and had most recently been used for office purposes. Office uses are considered accessory to winery production activities. Overall, the existing facility complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

 E) Section 18.124.070 (E): “The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.”

*Analysis:* Water is provided by the City of St. Helena. There is no increase in water use as there is no increase in production, the number of employees or the number of visitors.

# SECTION 11. Recirculation is Not Required.

 In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added to the Final EIR as described in Section III of the FEIR at pages 6 and 7.

 Adoption and implementation of the Project will not result in any significant environmental impacts not identified in the Draft EIR or result in a substantial increase in the severity of a significant environmental impact identified in the Draft EIR. There are no substantial changes in the Hall Winery-Distillery Building Demolition Project or the circumstances under which the Project is being undertaken that necessitate substantial revisions of the Draft EIR, nor has significant new information become available. “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (14 Cal Code Regs. Section 15088.5(b).) The Planning Commission hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required prior to adoption of the Project.

# SECTION 12. General Plan Consistency.

The property is zoned Agricultural Preserve and has a General Plan designation of Agricultural Resource (AR). The Project is comprised of an agricultural processing facility (winery), along with wine storage, marketing, and other Winery Definition Ordinance (WDO)‐compliant accessory uses as outlined in and limited by the approved Project use permits and use permit modifications. These uses fall within the County’s definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes. The Planning Commission hereby finds that implementation of the Project is consistent with the Napa County General Plan as stated in the DEIR (pages 11 through 14) and as follows:

**General Plan Agricultural Preservation and Land Use Goal AG/LU‐1** guides the County to, “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” **General Plan Agricultural Preservation and Land Use Goal AG/LU‐3** states the County should, “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” The proposed project involves demolition of the former Distillery Building which had most recently been used for office purposes but has been vacant for some. As such, removal of this building will not be detrimental to winery operations or otherwise affect agricultural uses.

The subject parcel is located on land designated Agricultural Resource (AR) on the County’s adopted **General Plan Land Use Map**. This Project is to demolish the former Distillery Building, most recently used for office purposes.  Office uses, as accessory to an agricultural processing facility (winery), fall within the County’s definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes.  As approved here, the use of the property for the “fermenting and processing of grape juice into wine” (NCC §18.08.640) and for uses accessory thereto 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…).

As analyzed above, demolition of the Distillery Building 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. The Project is consistent with **General Plan Conservation Policies CON‐53 and CON‐55**, which require that applicants for discretionary land use approvals prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources. The Project relies on municipal water from the City of St. Helena.

Napa County’s adopted General Plan reinforces the County’s long standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this Project is consistent with the General Plan’s overall policy framework and with the Plan’s specific goals and policies.

# SECTION 13. Substantial Evidence.

For the reasons set forth above, the Commission finds that substantial evidence supporting each and every finding made herein is contained in the Final EIR and in the record of proceedings on the Project.

# SECTION 14. Location and Custodian of Documents.

A) The Record of Proceedings (record) upon which the Commission bases these Findings and its actions and determinations regarding the proposed Project includes, but is not limited to:

1) the Draft EIR, the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Draft and Final EIRs;

2) all staff reports, County files and records and other documents, prepared for and/or submitted to the Planning Commission and/or the County relating to the Final EIR and/or the Project;

3) the evidence, facts, findings and other determinations set forth in this resolution;

4) the Napa County General Plan,

5) the Napa County Code;

6) all applications, designs, plans, studies, data and correspondence submitted by the Project applicant in connection with the Final EIR and/or the proposed Project;

7) all documentary and oral evidence received at public hearings or submitted to the County during the comment periods relating to the Final EIR and the proposed Project; and

8) all other matters of common knowledge to the Commission including, but not limited to, County, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the County of Napa and its surrounding areas.

B) The EIR is on file with the PBES Department and, along with the related planning and other County records, minutes and files constituting the record of proceedings, are incorporated herein by this reference.

# SECTION 15. Mitigation Monitoring and Reporting Program.

 The Commission hereby adopts the Mitigation Monitoring and Reporting Program attached as Exhibit “B.”

# SECTION 16. Final Determinations.

 Based on the foregoing facts, findings, rationales, determinations and conclusions, the Commission hereby:

1. Adopts the findings of facts and rationales as set forth in this Resolution;
2. Adopts the Project described in the DEIR and rejects all alternatives except the Minimal or Partial Restoration Alternative which is incorporated into the Project;
3. Approves Use Permit No. P13-00233-MOD subject to the attached Conditions of Approval and feasible mitigation measures. (See Exhibit “A” attached and incorporated here by reference).

# SECTION 17. Filing Notice of Determination.

The Planning Commission hereby directs the Director of the PBES Department to file a Notice of Determination regarding the Hall Winery-Distillery Building Demolition Project within five business days of adoption of this Resolution.

# SECTION 18. Effective Date.

This resolution shall take effect immediately upon its adoption.

The foregoing resolution was read, considered, and adopted at a regular meeting of the Napa County Planning Commission, State of California, on the \_\_\_\_ day of September\_\_\_, 2014, by the following vote:

 AYES: COMMISSIONERS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 NOES: COMMISSIONERS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ABSENT: COMMISSIONERS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 BOB FIDDAMAN, Chair

 Napa County Planning Commission

Attest: Melissa Frost

**APPROVED AS TO FORM**

Office of County Counsel

By: Laura Anderson

Date: September 9, 2014

Clerk of the Commission

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachments:

 Exhibit “A” - Conditions of Approval

 Exhibit “B” - Mitigation Monitoring and Reporting Program

**NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT**

**PLANNING COMMISSION**

**PLANNING COMMISSION HEARING SEPTEMBER 3, 2014**

**CONDITIONS OF APPROVAL**

**HALL WINERY DISTILLERY BUILDING DEMOLITION**

**USE PERMIT MODIFICATION (#P13-00233-MOD)**

**APN’s: #027-052, 061 (SFAP) & 062 (SFAP)**

1. **SCOPE:**

A. A Use Permit Modification to allow:

1. Demolition of the 1,752 sq. ft. Distillery Building;
2. Construction of a 3-4 foot high wall constructed of materials from the Distillery Building behind or as a back drop to a bench;
3. Construction of an historic marker; and,
4. New landscaping in the area of the Distillery Building.

B. The project/improvements shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

1. **PROJECT SPECIFIC CONDITIONS:**

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

1. Mitigation Measures

The permittee shall comply with all mitigation measures identified in the certified Final Environmental Impact Report, inclusive of the following:

**Mitigation Measure 3.1-1**: Prior to demolition of the Distillery Building, the Applicant shall:

1. Retain a qualified architectural historian, as approved by the Napa County Planning, Building & Environmental Services Director (Director), to prepare a “Historic Documentation Report” for the Distillery Building. The Report shall include appropriate current and historic photographs of the building, scale drawings and a brief text description of the building. The photo-documentation shall be done in according to Historic American Building Survey/Historic Engineering Record (HABS/HAER) guidelines. The final Report shall be deposited with the Napa County Planning, Building & Environmental Services Department, the Napa County Historical Society, the Northwest Information Center, the State Office of Historic Preservation, local libraries and other appropriate organizations and agencies as identified by the Director.

b) Place and maintain a publically accessible space for a memorial plaque on or near the Distillery Building site identifying the former location of the building, its function and historic significance and a bench incorporating materials from the Distillery Building as a 3-4 foot high wall behind the bench.

**Mitigation Measure 3.2-1**: Prior to demolition of the Distillery Building, the Applicant shall prepare and submit a Phase I Environmental Site Assessment report to the Napa County Planning, Building & Environmental Services Department to determine the presence or absence of hazardous material within the building. If no such materials are found, no further action is required.

If the Phase I report identifies the possible presence of building material contamination, a work plan for remediation shall be prepared by a qualified environmental consulting firm to safely remove and dispose of contaminated material. Necessary permits and approvals shall be obtained from the Napa County Planning, Building & Environmental Services Department or other agency with appropriate jurisdiction. The work plan shall contain a worker health safety component. A demolition permit shall not be issued until necessary clearances are obtained for the site from appropriate environmental regulatory agencies.

1. Air Quality

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8-1, May 2011 Updated CEQA Guidelines as follows:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.
6. 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.
7. 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.
8. 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.

(Source: Bay Area Air Quality Management District CEQA Guidelines Updated May 2011 Table 8-1 Basic Construction Mitigation Measures)

**3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

Project conditions of approval include all of the following County, Division, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

1. Engineering Services Division as stated in their Memorandum dated August 15, 2013.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the approved use permit.

**4. LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, 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.

Prior to issuance of any building permit pursuant to this approval, two 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 the California Building Code.

1. **LANDSCAPING**

 Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

 Plant materials shall be purchased locally when practical. The Agricultural Commissioner’s office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

 No trees greater than 6” DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

 Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residence that can view these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

1. **COLORS**

The colors used for the exterior walls and built landscaping features shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building, & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

1. **SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 with any questions regarding the following.

* 1. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy, except as otherwise permitted by Engineering Services.

* 1. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

* 1. **DUST CONTROL**

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.

* 1. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board (SRWQCB).

1. **ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

* 1. **WELLS**

The permittee may be required (at the permittee’s expense) to provide well monitoring data if the Director of Planning, Building, and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building, and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).

* 1. **NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment mufflering and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

1. **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the 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.

1. **INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department’s standard form.

1. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

1. **PREVIOUS CONDITIONS**

The permittee shall comply with all conditions of approval and mitigation measures for previous Use Permit and Use Permit Modifications, except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

1. **MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of $500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee’s contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant’s expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

1. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution *№* 2010-48, “Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year.”

**Hall Distillery Building Demolition**

**Use Permit Modification (P13-00233)**

**APN’s: 027-120-061 & 062 (SFAP)**

**MITIGATION MONITORING AND REPORTING PROGRAM**

| **Mitigation Measure** | **Monitoring****Responsibility** | **Monitoring/Reporting****Action and Schedule** | **Monitoring Compliance Complete (Name / Date)** |
| --- | --- | --- | --- |
| **Cultural/Historic Resources** |  |  |  |
| **Mitigation Measure 3.1-1(a)**: Prior to demolition of the Distillery Building, the Applicant shall:Retain a qualified architectural historian, as approved by the Napa County Planning, Building & Environmental Services Director (Director), to prepare a “Historic Documentation Report” for the Distillery Building. The Report shall include appropriate current and historic photographs of the building, scale drawings and a brief text description of the building. The photo-documentation shall be done in according to Historic American Building Survey/Historic Engineering Record (HABS/HAER) guidelines. The final Report shall be deposited with the Napa County Planning, Building & Environmental Services Department, the Napa County Historical Society, the Northwest Information Center, the State Office of Historic Preservation, local libraries and other appropriate organizations and agencies as identified by the Director. | Planning Division | Applicant shall implement mitigation measure as stated. County to approve qualified architectural historian and report submittal. |  |
| **Mitigation Measure 3.1-1(b)**: Prior to final clearance of the demolition permit, the Applicant shall:Place and maintain a publically accessible space for a memorial plaque on or near the Distillery Building site identifying the former location of the building, its function and historic significance and a bench incorporating materials from the Distillery Building as a 3-4 foot high wall behind the bench. Approval of a use permit modification and demolition permit to demolish the historic Distillery Building would result in a significant impact.  | Planning Division | Applicant shall implement mitigation measure as stated. Plans for the required improvements and associated landscaping shall be submitted to the County for approval and the improvements constructed prior to final clearance of the demolition permit. |  |
| **Hazardous Materials** |  |  |  |
| **Mitigation Measure 3.2-1**: Prior to demolition of the Distillery Building, the Applicant shall:Prepare and submit a Phase I Environmental Site Assessment report to the Napa County Planning, Building & Environmental Services Department to determine the presence or absence of hazardous material within the building. If no such materials are found, no further action is required.If the Phase I report identifies the possible presence of building material contamination, a work plan for remediation shall be prepared by a qualified environmental consulting firm to safely remove and dispose of contaminated material. Necessary permits and approvals shall be obtained from the Napa County Planning, Building & Environmental Services Department or other agency with appropriate jurisdiction. The work plan shall contain a worker health safety component. A demolition permit shall not be issued until necessary clearances are obtained for the site from appropriate environmental regulatory agencies. | Planning Division | Applicant shall implement mitigation measure as stated.  |  |